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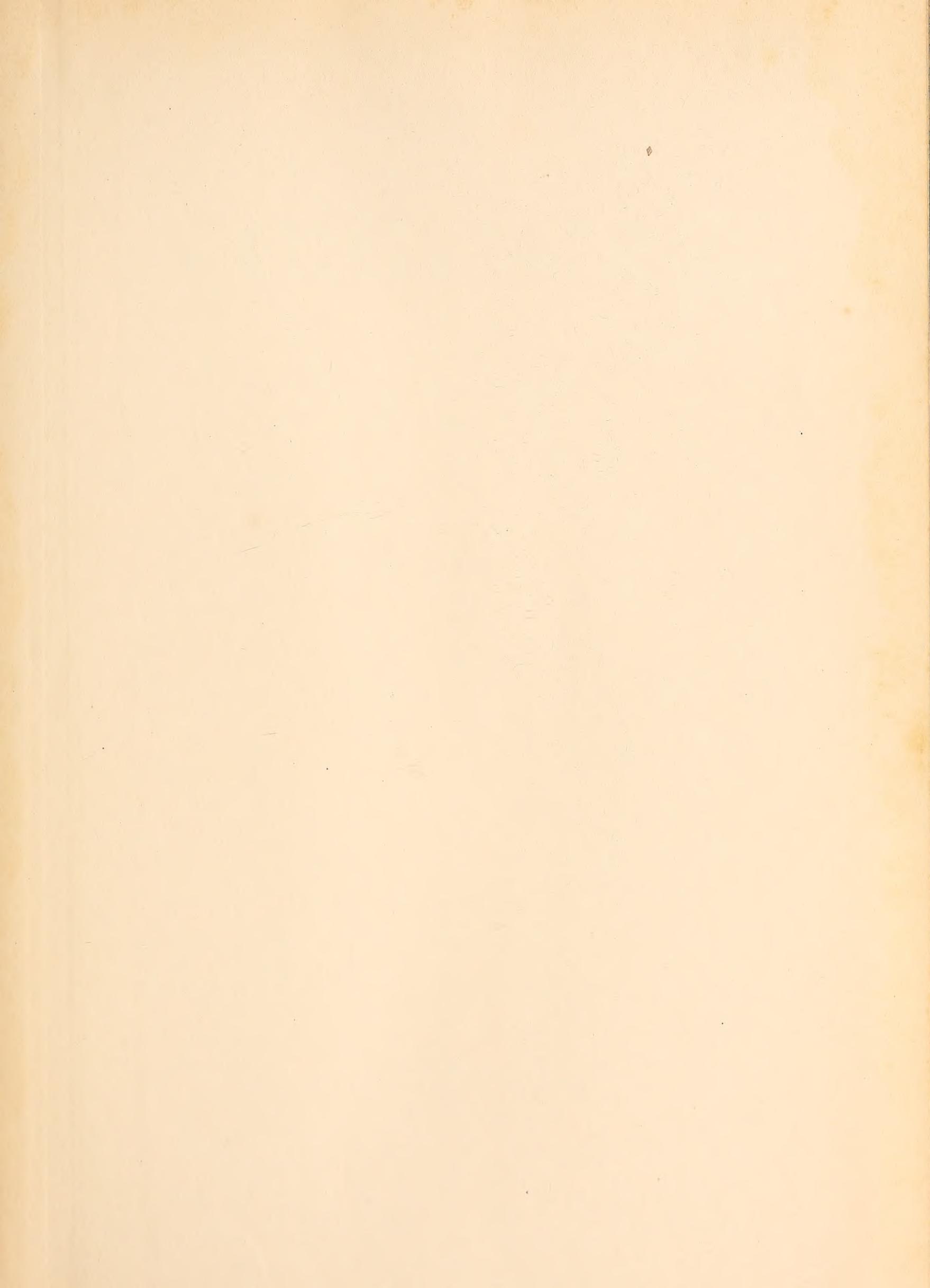


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HISTORY  
OF  
VIRGINIA

VOLUME II  
THE FEDERAL PERIOD  
1763-1861

BY  
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*ILLUSTRATED*

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Published in Six Volumes

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THIS VOLUME IS DEDICATED  
TO

**George L. Christian**  
OF RICHMOND, VIRGINIA

A TYPE OF THE VIRGINIANS THAT MADE THE UNION GREAT,  
A MAN WHO Poured OUT HIS BLOOD IN DEFENCE OF  
HIS STATE, AND HAS BEEN READY ALWAYS,  
WITH WORD AND WITH PEN, TO  
VINDICATE THE FAME AND  
GOOD NAME OF OLD  
VIRGINIA



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## PREFACE

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This volume has been written under the idea that Virginia was the original center of Southern development, just as New England was the original center of Northern development. Divergent as these two centers were, they were forced into union by British oppression. In all the social and political features that characterized this incongruous connection the Southern center was dominant for nearly 100 years. This volume embraces this remarkable period (1763-1861). It may be emphatically styled "Virginia's golden age" and perhaps it was the golden age of the United States. Certainly no other state in history ever produced within so short a period such a multitude of great men or accomplished such wonderful results. Among these last was the continuance of the Union itself through so long a time. It is pointed out that speedy secession has the natural consequence of such an impossible combination, and yet through the idealism of the Virginia statesmen this combination was maintained till the Northern influences were too strong to make separation successful. The South was overwhelmed, and a mighty and prosperous nation took the place of a jarring union, made great by the idealism of Virginia. Virginia fell a sacrifice to what might be called a suicidal policy, but shorn of her influence in national affairs she still lives in the best and most glorious principles of the new Nation.



**PART I**  
**PRELIMINARIES TO THE AMERICAN**  
**REVOLUTION**



# HISTORY OF VIRGINIA

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## VOLUME II

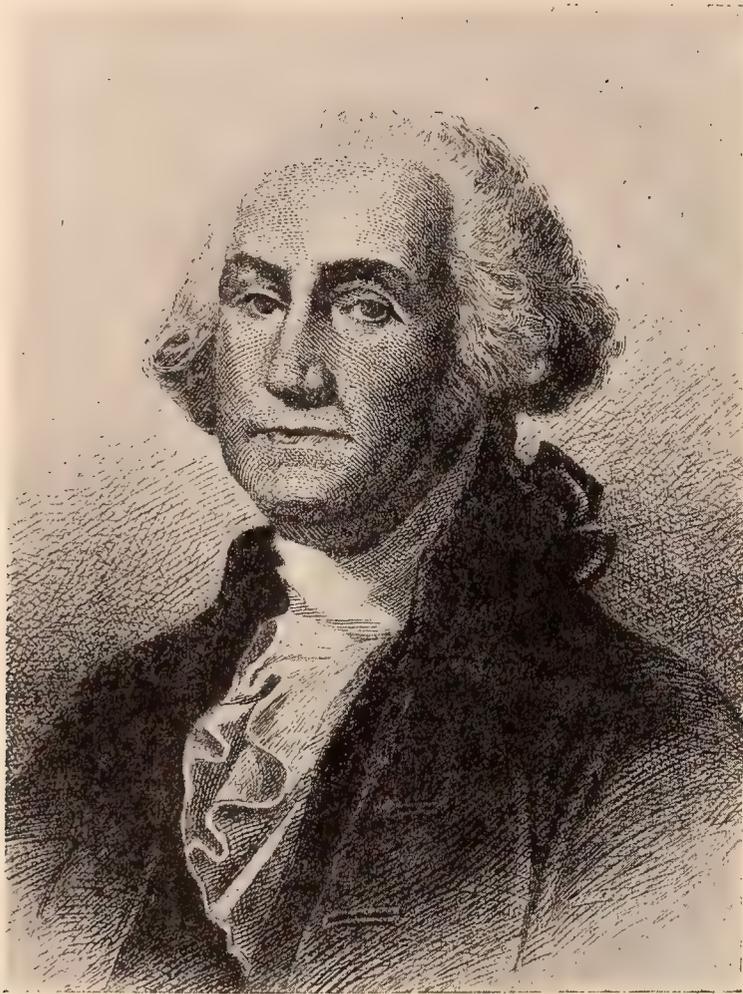
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### CHAPTER I

#### WESTERN EXTENSION

The history of England, during the 16th Century, is the story of the development of a small kingdom into a successful rival with the gigantic power of Spain. Its history during the 17th Century and until the close of the French and Indian War in 1763 was the story of a struggle of similar import with France. Again, she was successful, and as a result of the war, under the guidance of the great Minister of State, William Pitt, she became the first power of the world. In 1758, Louisburg was taken and the mouth of the St. Lawrence protected against France. In 1759 Quebec was captured by the gallant General Wolfe, who was killed in the assault. In the same year, the British established their supremacy at sea by the naval actions at Lagos and Quiberon Bay. In India Clive won Bengal for England by the victory at Plassy (1757) and French authority was finally overturned by Coote's victory at Wandewash in 1760. In 1763, when peace was concluded with the French, the British Empire covered a greater territory than was ever before held by any country, ancient or modern.

Its nucleus was found in the United Kingdom of England and Scotland, and its outlying dependencies embraced Ireland,



GENERAL GEORGE WASHINGTON

the Island of Man, the Channel Islands, the Bermuda Islands, the Bahama Islands, and many other bits of land in the sea; all of Bengal, and other provinces in India; all of North America east of the Mississippi, including Canada and New Foundland, East and West Florida, and the thirteen English Colonies lying between. Moderate affairs were even the Roman Empire and the Empire of the Saracens compared with the far flung dominions of England.

In effecting this result the Colonies played an important part. They were zealous in prosecuting the war and contributed liberally of men and money. As loyal subjects of the King of England they gloried in the overthrow of the French. Especially was this true of Virginia, which began the war. It was a Virginia governor, Robert Dinwiddie, who lodged the first protest against the plan of the French to hem in the English Colonies by a line of forts reaching from Lake Erie down the Ohio and down the Mississippi to its mouth. It was a young Virginia officer, Washington, who acted as Dinwiddie's agent in voicing the protest, and when the protest was disregarded fired the first shot in the war which followed, and Virginia blood was the first American blood to flow in this war. The forces set in action at this time did not really end till the overthrow of Napoleon in 1814. That shot of Washington stirred up not only the French and Indian War in America and the Seven Years War in Europe, but the American Revolution and the War of 1812 and the Napoleonic Wars. Of the true significance of the French and Indian War William Makepeace Thackeray expressed the idea better than any other writer. In his "*The Virginians—A Tale of the Last Century*," he says: "It was strange that in a savage forest of Pennsylvania a young Virginia officer should fire a shot and waken up a war which was to last for sixty years, which was to cover his own country and pass into Europe, to cost France her American Colonies, to sever ours from us and create the great Western Republic; to rage over the Old World when extinguished in the New, and of all the myriads engaged in the

vast contest, to leave the prize of the greatest fame with him, who struck the first blow.”

During the war, the Virginians, while contributing a fair proportion of men and money, for which they were thanked by the King, afforded in two cases services which were eminently spectacular and praiseworthy. These were the timely protection given in 1755 to the routed British Army under Braddock by the Virginia militia under Washington, and a similar service rendered the British troops under Major Grant by Captain Thomas Bullett and his company in 1759. In money Virginia provided the sum of half a million pounds sterling.

But the tide which bore Great Britain to a pitch of unprecedented glory began to recede in a very little time after peace was declared in 1763. Up to this time the Mother Country, beyond attempting to regulate commerce, had interfered very little in the current of affairs on this side of the Atlantic. Some drastic action had been taken against New England in 1682, but the interference had been due to the tyranny of the ruling orders there, who had kept the people at large in a state of political slavery. The new rule under Andros endured only for a short time, and though tyrannical, led to better conditions, for out of it came a new charter to Massachusetts (1691), which broadened the franchise and lessened the tyranny of the ecclesiastics. Nevertheless, the proposition remained true that the American Colonies down to 1763 were semi-independent communities, who disregarded even the few laws by which England sought to assert her authority. This was principally due to the increasing power of France in Canada, which occupied all England's attention, and rendered the policy of Colonial conciliation advisable.

In certain respects Virginia had stronger resemblances to the Mother Country than any of the other Colonies. The Colony had been settled, not like New England, by the representatives of a single section of the English people having a certain religious belief, but by representatives of the English people at large. Then the great bulk of the early inhabitants

were, unlike the settlers in the Middle States, of English stock, whose authority in Virginia was still dominant in 1763, despite the great influx to the back of the Blue Ridge of hardy Scotch-Irish settlers. In their religion, sports and pastimes the Virginians and the English were very similar.

There were great differences, however, for while society was organized at first on the principles which prevailed in England of gentry, yeomanry and servants, these distinctions eventually all passed away, and except for a limited number of indentured white servants and convicts fresh from England, the servant class in the 18th century was almost exclusively negroes. The eighteenth century saw the rise in Virginia of many men of great wealth and estates, who were proud of their loyalty and imitated the English aristocracy in the splendor of their establishments, but it must always be remembered that their authority was not bottomed as in England on white people, but on negro slaves. In Virginia during the latter part of the 18th century every free white man was master of his own actions, and in a certain sense the poorer the man the more independent he was. This distinction was noticed by Marquis de Chastellux, who wrote in his *Travels* towards the end of the century that "a Virginian never resembles a European peasant, he is always a freeman and participates in the government."

This tendency to destroy the old public distinctions was greatly promoted by the ease with which land might be obtained. Rural life promoted the spirit of independence, and color, not rank or wealth, became the fundamental distinction in society. There was also the great liberality of the suffrage. Down to 1736 free white manhood suffrage prevailed in Virginia, for though in 1670 a freehold qualification was prescribed, there was no limitation attached to the freehold, and Spotswood tells us in 1713 that any one, though just out of the condition of a servant, and owning half an acre of land, had as much voice in the selection of the members of Assembly as

the man of the greatest estate in the country.<sup>1</sup> Even after 1736, when the freehold qualification was finally established, many more people voted in Virginia than in Massachusetts, where a native white servant class continued.<sup>2</sup>

This democratic tendency came bravely to the surface during the seventeenth century under Nathaniel Bacon, Jr., and found a great leader in Patrick Henry, Jr., at the dawn of the American Revolution. The final result was seen in 1792, when Virginia became the headquarters of the Democratic Republican party led by Thomas Jefferson.

France being out of the way, the authorities in England pursued an unfortunate plan of putting the colonies under greater restrictions, a policy which eventually undermined the affections of a people who loved to call themselves "His Majesty's most ancient and loyal colony of Virginia." These interferences, exasperating enough to be sure, proceeded along many lines, but the most important were: First, Restricting the Western Boundary; second, Regulating the currency, and third, Imposing taxes by a vote of Parliament. We shall first consider the question of the western boundary, and observe how it affected the question of independence.

A proclamation of the King in 1763 forbade any trading with the Indians or the issuance of any further grants for lands beyond the ridge of the Alleghanies. This was a sore matter, for Virginia from the earliest times had been accustomed to look upon her boundary as extending indefinitely backward. The charters of 1609 and 1612 had given her the territory from sea to sea, and, though in 1624 the charter had been abrogated, this had been understood to affect the government only and not the political existence of the colony within the original bounds, which remained intact, subject in its vacant lands to the eminent domain of the King. These bounds were supposed originally to have a front of two hundred miles on the Atlantic and to embrace all the land between a line drawn due

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<sup>1</sup>Spotswood *Letters* II, p. 1.

<sup>2</sup>Adams, *The Founding of New England*, p. 143.

west from its southern frontal end and a line drawn northwest from its northern frontal end, and, out of this Virginia territory, though very much against the wishes of the people, Maryland and North Carolina had been carved.

Under this view the discovery of the West had been promoted by the Virginia governors from the earliest days. Sir William Berkeley had sent out various expeditions, and Spotswood in surmounting the Blue Ridge looked, as he wrote to the Board of Trade in 1710, to pushing occupation to the Ohio River and thus cutting in two the line of communication proposed by the French between Canada and their settlements on the Mississippi. Later, in 1749, when the Ohio Company obtained from the King a grant to 500,000 acres of land to be surveyed on both sides of the Ohio, the authorities in England in explicit terms recognized the jurisdiction of Virginia by authorizing Sir William Gooch to issue his patent to said company for 200,000 acres "within the dominion of Virginia." This started a great boom for western land and the same year, (1749) leave was given by the governor and council at Williamsburg to Dr. Thomas Walker, John Lewis and others, otherwise the Loyal Company, to survey 800,000 acres beyond the Alleghanies in Southwest Virginia. In 1751, one hundred thousand acres of land on the Greenbrier River, northwest and west of the Cowpasture, were granted to the Greenbrier Company. On the lands of these two grants, which stretched from the Greenbrier to the Holston, hundreds of families had seated themselves before the proclamation of 1763. The next evidence of the territorial aspirations of Virginia is afforded by the proclamation of Dinwiddie, issued February 27, 1754, promising 200,000 acres of land "on the east side of the river Ohio, within this Dominion," as an encouragement to such soldiers as would enlist to build and support a fort on the Ohio to resist the encroachment of the French. The legislature took a hand and made their wishes known by an act passed in 1752, for the encouragement of settlers on the waters of the

Mississippi, which lands were declared to be "within the territory of Augusta County."

The stoppage of this westward movement naturally created much uneasiness and discontent with not only those persons who had already settled beyond the Alleghanies, but those who had the rights of Virginia in mind and were stimulated by a vision of her future greatness. But Washington took the view, which was doubtless the view of most thinking men in Virginia, at the time, that the King's injunction was only a temporary one, intended to prevent clashes with the Indians until a permanent treaty ceding the lands could be had without blood shed. In view of her history, Virginia could not very well dispute the technical right of the King to bestow vacant lands back of the mountains, and even to confer an independent jurisdiction, but this is far from saying that her citizens ever professed any willingness to be thus delimited. As a matter of fact, the Virginians looked upon the territory back of the mountains as a natural right, whatever the technical construction might be. At any rate, the right of the eminent domain in that country registered in the king had in their opinion passed away with the settlement of so many persons under encouragement from both the English and Virginia authorities.

Indeed, for some years after 1763, no serious attempt was made by anybody to set up a government across the mountains independent of the sovereignty of Virginia, and in the settlement of the Indian claims the consent of Virginia was always recognized as necessary by the government in England. In 1768 Dr. Thomas Walker, appointed by Lord Boteourt, was present as the representative of Virginia at Fort Stanwix, when the Iroquois Indians were induced to surrender to the crown of England all the lands west of the Alleghanies as far south as the mouth of the Tennessee River. When John Stuart, appointed by the English government as superintendent of Indian affairs for the Southern District of America, in a treaty the same year at Hard Labor, South



BARON BOTETOURT

Carolina, with the Cherokees, conceded some of this land in the absence of any representative of the Virginia government, Governor Botetourt promptly protested and Dr. Walker and Andrew Lewis were sent by him to confer with Stuart in regard to a new line with the Cherokees. The Treaty of Hard Labor declared that the Western boundary of Virginia should begin at the end of the boundary line between North Carolina and Virginia, run thence to Col. Cheswell's mine on the Eastern bank of the great Kanawha River, and thence in a straight line to the confluence of said river and the River Ohio.

Stuart made no objections to the propositions of Virginia, provided the change was not too extensive, and in his answer to Botetourt, assured the governor that he would "resume negotiations for a new line when his Majesty shall be pleased to signify his pleasure." Botetourt evidently expected this reply, for on the same day that he gave Walker and Lewis their instructions, he wrote to Lord Hillsborough of the necessity of this change. Since Stuart agreed in this necessity, the Board of Trade in their report on the boundary, dated April 20, 1769, made favorable comment on the subject, but recommended that the expense of any new purchase should be borne by the Colony of Virginia.

The House of Burgesses in December, 1769, addressed a memorial to Governor Botetourt, urging that "a line beginning at the Western termination of the North Carolina line, and running thence in a due west direction to the Ohio river" (meaning the Mississippi), was the proper and desirable boundary. The Burgesses dwelt upon the great difficulty of marking and protecting a line through a mountainous region and complained bitterly of the fact that a great part of that "most valuable country" lying below the mouth of the Kanawha lately ceded by the Iroquois at Fort Stanwix, and within which area lands had already been legally patented, would be separated and divided from the British Territory.<sup>3</sup>

To this memorial Stuart made an elaborate answer in

<sup>3</sup>Alvord: *Mississippi Valley in British Politics*, II, p. 81.

which he asserted that the permission of settlement so far to the westward would arouse the hostility of every tribe and cause another Indian war. His opinion in the end prevailed, for the most part, and the House determined on June 15, 1770, to enter upon a treaty with the Cherokees "for the lands lying within a line to be run from a place where the North Carolina line terminates in a due west direction until it intersects Holston River and from thence to the mouth of the Great Kanawha." For this concession Virginia agreed to pay two thousand five hundred pounds, and the money was raised by an issue of currency notes. The House of Burgesses, as their reason for renouncing the western boundary proposed in their memorial, and for accepting this, named the danger to the frontier people of delaying any longer to settle a line of some sort.

It may be, however, that the news from London of the activity of certain individuals, known as the Walpole Company, to establish an independent colony on the back of the Alleghanies was of deciding influence upon their minds. Hillsborough, the Colonial Secretary, approved, and at Lochaber, Stuart made a treaty with the Cherokees in October, 1770, in which it was finally agreed that the line should follow the course accepted by the Virginia Assembly. But when, in the latter part of 1771, Col. John Donelson, representing Virginia, proceeded to run the line, he broke it off, with the consent of the Indian chiefs, who accompanied him, at the head of the Louisa River, a branch of the West Fork of the Big Sandy River.

Curious to say, however, when the line came to be marked out by Col. Donelson and was represented on a map prepared by Stuart himself, the Louisa River was identified with the Kentucky River, thus greatly enlarging the territory conceded to Virginia.

This act of Stuart, whether due to a mistake or to the influence of financial interests, met a favorable reception in London. Lord Dartmouth, who succeeded Lord Hillsborough

as Colonial Secretary, was a patron of the Walpole Company, which was interested in the region of western Virginia. He had, therefore, no objections to the proposed line, and of course Virginians, who regarded it at best as a temporary expedient, had none.<sup>4</sup>

The history of the Walpole Company is interesting. It comprised such men as Thomas Walpole, Horace Walpole, Samuel Wharton and Benjamin Franklin. They petitioned the Lords of the Treasury for a grant of 20,000,000 acres within the confines of Virginia, and proposed to set up an independent government within the same. Montague, the agent of the Colony, informed the Virginia Committee of Correspondence regarding the petition, in a letter dated January 18, 1770, and warned them of "the very great and opulent persons" concerned in this affair. He entered a caveat at the Board of Trade, "to whom," he said, "it will, of course, be referred for consideration."

It would be too tedious to give all the details about the matter. The project was not only opposed by the Virginia Assembly but by Hillsborough, the Secretary of State for the Colony, and the Board of Trade itself. October 5, 1770, Washington wrote to Lord Botetourt that "the bounds of the proposed colony would comprehend at least four-fifths of the land, for which Virginia had paid two thousand five hundred pounds sterling" and "would prove a fatal blow to the interests of this country." To a personal and more interested purpose he pressed the claims of himself and the other soldiers, to whom had been promised 200,000 acres of land by Governor Dinwiddie for participation in the French and Indian War.

Lord Botetourt died not long after this and William Nelson, the President of the Council, in a letter dated October 18, 1770, put forth practically the same arguments against the grant as Washington had done; though he did not dispute the technical right of the Crown to form a new colony, or the idea that "when that part of the country (meaning the back

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<sup>4</sup>Alvord: *The Mississippi Valley in British Politics*, II, p. 85.

country), should become sufficiently populated it might be a wise and prudent measure.''<sup>5</sup> There can be no doubt, however, that the people of Virginia as a whole were vastly opposed to the scheme.

William Nelson's administration lasted till the fall of 1771, when Lord Dunmore arrived in Virginia as governor, and he already had formed a decided opinion against the Walpole Company. He had been in the Colony but a few months when he joined with Doctor Walker and Colonel Lewis in an attempt to acquire the land added by the surveying party to that which was first understood to have been purchased from the Cherokees at the treaty of Lochaber. In spite of every opposition the Walpole Company, on August 14, 1772, obtained an order from the Privy Council favoring the proposed grant, and the whole subject was thereupon referred again to the Lords of Trade in order that the form of constitution and other matters preliminary to the establishment of the new colony might be considered and reported upon. This was not done till April, 1773, when the draft of a representation to His Majesty, containing propositions respecting the establishment of the said government and the grant of land proposed to be made, was reported and finally signed May 6th.

In this draft certain important concessions were made to placate Virginia as to the loss of her territory. All land grants which had been legally made within the ceded area of the Walpole Company were confirmed by the Company. George Mercer, agent for the old Ohio Company, whose ancient grant was swallowed up in this wholesale proposition, was conciliated by a promise of the governorship of the new colony and by an allowance of two shares to his company. But this was only the action of an agent without authority, and at the first meeting of the Ohio Company afterwards, the agreement made by Mercer was repudiated. George Mason, who was a member of the Ohio Company, wrote an able paper

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<sup>5</sup>Alvord: *The Mississippi Valley in British Politics*, II, p. 115.

in 1773 in support of his Company's claims, and the rights of Virginia.<sup>6</sup>

That the scheme failed at any time to secure any great support in Virginia is shown by a petition of the settlers living on the frontiers in Augusta, Botetourt and Fincastle Counties, protesting against their annexation to the Colony of Vandalia, as this proposed province was called.

Lord Dunmore, whatever his motive, continued loyal on this question to the interests of the colony of which he was governor. In sending the petition of the frontiersmen to England, April 2, 1774, he urged the rights of Virginia, and pointed out the great need of some form of government to the back country. Later in a letter to Dartmouth, dated December 24, 1774, he argued strongly that the confirmation of the treaty of Lochaber had authorized the extension of the Virginia boundary.

But Dunmore went still further in his effort to neutralize the proposed charter, which still lacked the final touches to make it operative. The prohibition against making any grants of lands west of the Alleghanies by the proclamation of 1763 remained unrepealed, but Dunmore ignored it. The Walpole Company had agreed to protect all legal promises of land made before 1770, and had specially provided for the promise to the officers and soldiers made in 1754 by Dinwiddie. Their intention was to take out for them 200,000 acres in some unbroken tract, but Dunmore, under the sagacious tutoring of Washington, permitted the total to be divided into twenty different localities, and surveyors were sent in every direction to select the "best sites" without regard to neighborhood.

This garbling of land was quite contrary to the plans of the promoters of Vandalia, as the proposed new province was called, and they raised much complaint.<sup>7</sup>

Dunmore also extended the rewards made to the British troops under the proclamation of 1763 to the provincial troops

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<sup>6</sup>Rowland: *George Mason*.

<sup>7</sup>Alvord: *The Mississippi Valley in British Politics*, II, p. 182.

as well, and, through an order made by him in Council, December 15, 1774, these troops were authorized to locate their lands whenever they should desire; and every officer was allowed a distinct survey for every thousand acres.

The result was that the year 1773 was an active one for both speculators and settlers in the back country. Their operations extended far down into the Ohio Valley. It was in 1773 that Harrodsburg was founded and that the town of Louisville was laid out by Dr. John Connolly, the western agent of Lord Dunmore.

Lord Dartmouth severely rebuked Lord Dunmore, and forbade him to continue his course, but Lord Dunmore answered the complaints and censure with the assertion that he did not suppose the proclamation of 1763 was any longer in force and that, never having received any official notice of the lands of the proposed colony of Vandalia, he supposed the treaty of Lochaber had opened for settlement the western territory as far as the Ohio.

In the meantime, on October 28, 1773, the attorney general of England and the solicitor general were requested by the Privy Council to prepare the grant of land to the Walpole Company, but the excitement over the tea in Boston harbor occasioned a new delay. Samuel Wharton, the leading and most active member, prepared another memorial on the subject, and a committee of the Privy Council recommended on August 12, 1774, that the King comply with the petition. But with the first Continental Congress, which met on September 5th, all real authority over Virginia passed away from England. In the spring of 1775, the draft of the royal grant to the Walpole Company was actually prepared, but the president of the Privy Council requested Walpole and his associates to wait until hostilities which had then begun between Great Britain and her colonies, should cease. By the Revolution the eminent domain possessed by the King in vacant lands devolved upon the Commonwealth, and the Sovereignty of Virginia under the charter of 1609 extended to all the west-

ern country severed from England and not actually granted away by previous charters.

Not content with antagonizing the policy of the English with regard to the Walpole Company, Dunmore prepared himself to contend for territory north and west of Vandalia. The Pennsylvania western line was currently supposed by Virginians to run much more easterly than the subsequent survey proved to be the case. It was believed by Dunmore that when the line should be run, the forks of the Ohio would fall several miles to the west. Accordingly, upon the petition of the inhabitants, Dunmore sent his agent, Connolly, to take possession of the territory where Fort Duquesne once stood. Connolly occupied the Fort, then called Fort Pitt, which had been abandoned by the British troops, and rechristened it Fort Dunmore. The consequence of this action was that Pennsylvania officials showed their resentment and arrested Connolly and threw him in jail, which brought a protest from the Virginia Legislature and a recommendation to the Governor to make overtures to Pennsylvania for the fixing of a temporary line, until the true boundary should be ascertained. Connolly was soon released.

Following this there broke out an Indian War, which still further complicated the situation. The Shawnees, the best fighting Indians on the continent, had formerly inhabited the valley of the Cumberland River and looked upon the present territory of Kentucky as their own, though they had been living for many years north of the Ohio in subordination to the Six Nations. They were, therefore, not satisfied with the treaty of Fort Stanwix, and began intrigues with the western Indians. But they did not succeed to any great extent in forming a confederacy, the Mingos being their chief reliance. Murders occurred from time to time. Near the end of 1773 Daniel Boone went with a party of five families to make a settlement in Kentucky. At Powell's Valley, on or near the tenth of October, as they approached the Cumberland Gap, the young men who had charge of the pack horses and cattle in

the rear were suddenly attacked by Indians. Boone's eldest son, and all of the rest but one, were killed on the spot. The survivors of the party were forced to turn back to the settlement on the Clinch River. When the Cherokees were summoned from Virginia to give up the offenders, they shifted the accusation from one tribe to another, and the application for redress had no effect. Later a white man killed an Indian at a horse-race on the frontier, notwithstanding the company in which he was tried to restrain him. This was the first Indian blood shed by a white man since Bouquet's treaty in 1764. Other conflicts ensued, but yet no Indian war. It became known to Connolly that messages were passing between the tribes of the Ohio, the western Indians and the Cherokees, and on the 21st of April, 1774, John Connolly sent an open letter to his agents on the Ohio to be on the alert.

Some frontiersmen understood this as a declaration of war, though Connolly may not have so intended it. At any rate it was followed by the murder of several Indian parties in cold blood, among them being some relatives of Logan, a Cayuga chief, by one Greathouse and his drunken companions. The Shawnees and their allies, the Mingos, Cayugas and Iowas flew to arms. The settlers threw themselves in their stockade forts or fled to the east for safety. The war was seen as an "Opportunity" by both Dunmore and the Virginians. Dunmore ordered the county lieutenants of the western counties to call out the militia and two armies were to be led in the region of the old northwest to contend there for the rights of the Old Dominion, despite the proclamation of 1763 and an act of Parliament called the Quebec Act, which added the country west of Pennsylvania to Quebec.

General Andrew Lewis was to command one of the armies and Dunmore the other, both together, according to Dunmore, consisting of 3,000 men.

Early in September the troops under command of General Lewis rendezvoused at Lewisburg, in the County of Greenbrier. They consisted of two regiments under Colonel Wil-

liam Fleming, of Botetourt, and Colonel Charles Lewis, of Augusta. At Camp Union, as Lewisburg was then called, they were joined by a company under Colonel John Field, of Culpeper; one from Bedford, under Colonel Thomas Buford, and two from the Holston settlement (Washington County), under Captains Shelby and Haubert. On the 11th of September, General Lewis, with eleven hundred men, commenced his march through the wildernesses, piloted by Captain Matthew Arbuckle. On the 30th of September, after a march of 160 miles, they reached Point Pleasant, at the juncture of the Kanawha and Ohio, appointed for the meeting place with Lord Dunmore and his northern army enlisted from Frederick, Dunmore and adjoining counties.

Not finding him there, Lewis dispatched some men to Fort Pitt in quest of his Lordship but before their return the affair had come to blows. The Indians, headed by Cornstalk, their chief, crossed the Ohio on the evening of the ninth of October, and began the battle on the next morning. Had it not been for two hunters, who set out very early in the morning from Lewis' camp and discovered the Indians, they might have surprised and destroyed Lewis and his army, who had no suspicion that the enemy were so near. The fight was obstinately contested, and lasted the whole day. Finally the savages gave way and at night retreated across the river. Colonel Charles Lewis, and Colonel Field, who had served with Braddock, and Captains Buford, Morrow, Murray, Ward, Cundiff, Nelson and McClenachan, and lieutenants Allen, Goldsby and Dillon were killed and Colonel Fleming was severely wounded.

The total loss of the Virginians in this action has been variously estimated at from forty to seventy-five men killed and one hundred and forty wounded. Some censure was attached to General Lewis for remaining with the reserves to defend the camp, and not leading the attack. It is claimed that this conduct prevented his promotion by Congress during the Revolutionary War. The loss of the savages was never fully ascertained but the bodies of thirty-three slain were

found, and it is known that many of the killed were thrown into the Ohio during the engagement. Cornstalk displayed great skill and courage at Point Pleasant, and during the day, amid the din of arms, his sonorous voice could be heard exclaiming in his native tongue: "Be strong, be strong."

In the meantime, Lord Dunmore with the Northern Army of a thousand men, instead of proceeding to the mouth of the Kanawha to effect a junction with Lewis, crossed the Ohio and marched upon the Indian settlements. Near Chillicothe, a Shawnee town on the banks of the Scioto, he made a fort and called it Camp Charlotte after the Queen of England. On the march hither he sent a runner to Lewis to join him at Chillicothe. Soon after the Indians sued him for peace, and thereupon he sent another runner with orders for Lewis to stop his march.

Lewis, after the defeat of the Indians, erected a small fort at Point Pleasant and, leaving a small garrison to hold it, crossed the Ohio, and, disregarding the Governor's second order, which met him on the way, advanced within three miles of Dunmore's camp, eager to deal another blow to the savages.

Dunmore, accompanied by an Indian chief, came to Lewis' camp and reproved him for disobedience to orders, and ordered him and his troops back home. And having appointed a day in the next spring for a meeting of all the Ohio Indians, Dunmore himself returned to Williamsburg. All sorts of charges were afterwards brought against Dunmore in connection with this affair, but he can scarcely be blamed for preferring a peaceful solution to the war, to one achieved in blood, as Lewis desired.

The significance of the battle of Kanawha was great. It can hardly be considered the opening battle of the American Revolution, as it is sometimes, for Dunmore's land policy and Indian war were both against the express policy and orders of the English government. In the next year, his confidential agent, Connolly, was arrested on his way to the Ohio, and beneath his saddle were discovered papers which

seemed to show a purpose to stir up the savages against the Virginians, but conditions had at that time changed, and the colony was in open rebellion against the English authority. Lord Dunmore had an interest, it is true, in the Wabash Company, formed in 1774 to settle the region north of the Ohio, but certainly a sufficient explanation of the war lies in the long friction existing between the Indians and Americans on the Border. It is difficult to believe that Lord Dunmore, however regarded, would have plunged the country into war in the interests of land speculations, as is sometimes alleged.

Logan, the Cayuga chief, who had gratified his spirit of revenge in a series of horrible butcheries and outrages, assented to the peace, but he refused to attend with other chiefs at Camp Charlotte, and sent his speech in a wampum belt by an interpreter, which Mr. Jefferson immortalized by publishing in his "Notes on Virginia."

But the effects of the war were epochal. By the victory of the Great Kanawha, the settlers who poured into Kentucky and Tennessee were effectually relieved from all immediate peril from the Indians of the Northwest. It almost amounted to the winning of the West, for had it not been possible to occupy this region during the early years of the Revolutionary War, it is not improbable that the treaty of 1783 might have fixed the western boundary of the United States at the Alleghanies instead of the Mississippi.

Ever since 1750, when Dr. Thomas Walker visited Kentucky in the interest of the Loyal Company, the valleys of Tennessee and Kentucky had been visited by traders and hunters. In 1769 Captain William Bean, from Pittsylvania County, built the first cabin on the Watauga, a source of the Tennessee River. He was soon followed by many other early adventurers, and in 1770 James Robertson, born in Brunswick County, Virginia, spent sometime in the Watauga region. Others came and settled in that country, and at first it was supposed that Watauga was in Virginia. The settlers in that region formed an association, known as the "Watauga Association," which was virtually an independent colony, but in

1776, on petition, it was received under the jurisdiction of North Carolina. While it lasted, the most daring spirit in this little state was John Sevier, born in Augusta County, Virginia.

The era of settlement in Kentucky began in 1769, when Daniel Boone, with five other backwoodsmen, left his family on the Yadkin river in North Carolina to make explorations for a settlement in Kentucky. Boone returned to the Yadkin in 1771, and in 1773 he visited again this region. An attack was made upon him and his party by the Shawnees, from which attack, as already stated, he lost his son. He returned with his family to the Clinch River, where he remained for sometime. After having served in conveying a party of surveyors to the Falls of the Ohio, he settled himself in 1775 at Boonesborough, near the Kentucky River. Other parties visited Kentucky, the McAfees from Botetourt County, Virginia, and George Rogers Clark, from Albemarle. Most significant, was the coming in 1774 of James Harrod, with a large party from the Monongahela, who laid out the town of Harrodsburg, and soon after Boonesborough, St. Asaphs and Boiling Spring were begun and fortified by forts. Next came the Transylvania Company, whose leading spirit was Judge Richard Henderson, born in Hanover County, Virginia, at that time a leading citizen of North Carolina, who claimed all of Kentucky by purchase from the Cherokees, and called it Transylvania.<sup>8</sup>

The Henderson Company advertised the sale of lands and organized government over the settlement, but this was denounced by Lord Dunmore in his proclamation dated March 31, 1775, as an invasion of the rights of Virginia. Thereupon George Rogers Clark determined to contest Henderson's claims and planned a meeting of the people, which he called at Harrodsburg June 6, 1776, to have agents appointed, who should treat with the Virginia Assembly for concessions and advocate the establishment of an independent state in case they should fail to secure it. When Clark reached Harrodsburg on the day appointed, he found that a meeting had al-

<sup>8</sup>Henderson: *The Conquest of the Old Southwest*, p. 204.

ready been held and that he and another had been appointed to attend at Williamsburg and present a petition asking for recognition as a separate county.

He set out for Williamsburg and learned before he got there that the Legislature had adjourned. He pushed on and after an interview with Governor Patrick Henry, presented his petition to the Council, at the same time asking for 500 pounds of powder, then sorely needed for the defense of Kentucky.

The Council offered to make a loan of the ammunition provided Clark would himself become responsible, but this offer he promptly rejected, saying, "if the country is not worth protecting, it is not worth claiming." Fearful lest Clark should seek protection from their neighbors, the French, the Council finally acquiesced, and at the December session the new county of Kentucky was established.

The adoption of a constitution by Virginia as an independent state on June 29, 1776, transferred to the Commonwealth the rights of the Crown, and a clause in this paper expressly declared "that no purchase of lands should be made of the Indian natives but in behalf of the public by authority of the General Assembly." This was only a reaffirmation of a policy repeatedly declared by Virginia respecting lands derived from the Indians, as expressed in legislative action reaching far back into Colonial times.

The pretensions of Henderson and his company were accordingly suppressed, as were also those of the Indiana Company, formed of traders who had obtained from the same Indians, after the peace of 1763, as a compensation for injuries inflicted on them, a cession of a tract of land on the Ohio south of the Province of Pennsylvania. This difference was made in the two cases. The Henderson Company having really performed an important part in populating the country and establishing a barrier against the Indians, were compensated by the Legislature at its session, in October, 1778, by an assignment of 200,000 acres on the Ohio and Green rivers.

When, however, Congress showed some disposition to

legislate in regard to these claims acquired from the Indians, the Virginia Legislature, at its fall session in 1779, in a firm but temperately worded paper protested that the "United States hold no territory but in right of some one individual state in the Union," and the contrary assumption "would be a violation of public faith, introduce a most dangerous precedent which might hereafter be urged to deprive of territory or subvert the sovereignty and government of any one or more of the United States, and establish in congress a power which in process of time must degenerate into an intolerable despotism."<sup>9</sup>

Thus Virginia, at the very threshold of our history, denied this pretension of sovereignty in Congress, and firmly planted herself on the doctrine of pure state sovereignty. Indeed none of the other states took any other ground than this, and the idea of the Union as a nation from the beginning was a growth of subsequent development, which reached its acme of absurdity in the messages of Lincoln eighty-two years later, when he pretended to appeal to history to prove that a state had no more dignity than a county.

In the clash of interests between the Colony of Virginia and the Mother Country, manifested in the Western Expansion, the contradictions in the aspirations of both were plainly visible, and no doubt contributed to the final separation. Alvord, to whose researches I am greatly indebted in writing this chapter, states<sup>10</sup> that while born in Massachusetts, where the Boston Massacre and the famous Tea Party were the all important events, he is constrained to say that "whenever the British ministers soberly and seriously discussed the American problem, the vital phase to them was not the disturbances of the maddening crowd of Boston and New York, but the development of that vast transmontane region that was acquired in 1763 by the treaty of Paris. In this development the Virginians, as was usually the case, took the lead,<sup>11</sup> but not always in the way desired by the authorities in England.

<sup>9</sup>Hening: *Statutes at Large*, X, 557.

<sup>10</sup>Alvord: *The Mississippi Valley in British Politics*, Preface; p. 13.

<sup>11</sup>*Ibid.*, II, p. 180.

## CHAPTER II

### THE CURRENCY QUESTION AND PARLIAMENTARY TAXATION

The second of the important grievances resulting from the new policy of interference by the British ministry involved the currency question. Until the French and Indian War, Virginia had shunned the use of paper money, which was so generally resorted to in the other colonies. But with the war came bounties for troops and vast demands for supplies which could not be met except by anticipating the receipts in the treasury. The Assembly borrowed £10,000 and tried to borrow more, and offered as much as six per cent interest, but found no lenders, and it was not till this resource had failed that they went into the policy of issuing paper money, so long eschewed. In order to establish their credit, the notes were made a legal tender, and ample funds were provided to redeem them at the moment of their maturity. In the case of sterling debts to British merchants it was provided, in the absence of British coin, which had been drawn by the armies to the north, that payment might be made in either foreign coin or treasury notes at such rates of exchange as could be agreed upon, which during the war was usually 25 per cent. In case of disagreement between the parties, the courts here were to settle the rates of exchange.<sup>1</sup>

It happened in 1763 that the rates of exchange between the two countries rose much above 25 per cent, and the merchants of London imputed this to the paper currency. There was this much color for it, that not so much paper had been annually

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<sup>1</sup>*Paper Currency in Colonial Virginia*, William and Mary College Quarterly, V, 150-157; XII, 241-243; XX, 226-261.

burnt as expected, because many of the sheriffs had not paid in the taxes received by them. Though this meant only a delay, as the colony was amply protected on the sheriffs' bonds, the merchants who wanted their sterling debts paid in British coin put the whole blame upon the paper money before the Board of Trade in England, going so far as to impute dishonest motives to the Assembly in issuing these notes. The Board was sympathetic and adopted resolutions censuring the Virginia legislature and demanding that further securities be taken in support of the notes. Upon Governor Fauquier communicating this to the Assembly, deep resentment was felt, and they declined to make any alteration in the laws except to repeal the insolvent law of the year before which they thought might lead to abuses not realized at the time of its enactment. To Governor Fauquier, the House replied in a long document on May 28, 1763, in which all the complaints of the merchants, supported by a paper from some members of the Council, were taken up and answered. They expressed it as their opinion that the fund to redeem the notes was fully adequate and declared that to exempt the merchants from the operation of the statute would be to treat very unfairly the note owners who depended upon it.

Especially interesting in view of subsequent events was the manner in which they opened their defence. After declaring that these complaints and the resolutions of the Board of Trade had placed them under the necessity of vindicating "the integrity and uprightness" of their proceedings, they spoke as follows:<sup>2</sup>

"Our Dependence upon Great Britain we acknowledge and glory in as our greatest Happiness and only Security; but this is not the Dependence of a People subjugated by the Arms of a Conqueror, but of Sons sent out to explore and settle a new World, for the mutual Benefit of themselves and their common Parent: It is the Dependence of a Part upon one great Whole, which, by its admirable Constitution, diffuses a

<sup>2</sup>*Journal House of Burgesses, 1761-1765, p. 188.*

Spirit of Patriotism that makes every Citizen, however distant from the Mother Kingdom, zealous to promote its Majesty and the public Good.

By such a Spirit and by such Principles, Sir, hath our Conduct ever been influenced; and we hope we may, without Arrogance, take this Character to ourselves, since our late and present Sovereigns have been pleased frequently to bestow it upon us for the Part we took in the late War, when we did, as far as we were able, contribute to the Success of the British Arms."

Fauquier expressed his disappointment to the Assembly, but said that the statement of the Treasury, which was submitted with the address, did amply prove that the notes were secure.

The complaint of the Merchants were again urged upon the Legislature at the October session, 1764,<sup>3</sup> and met with a like reception from the obstinate Virginia Burgesses. Failing in their remedy in Virginia, the merchants appealed to Parliament, who compromised by passing an act forbidding the Virginia Legislature in the interest of trade to make any future issues of paper money a legal tender. Doubtless there was wisdom in the law, and the Virginians submitted to it as a trade regulation, but the interference was not liked.

Although foreign intervention ended with the Act of Parliament, it may not be out of place here to follow the events connected with the treasury down to the Revolution. A scandal which had a great place in its day developed in connection with Robinson's management of the Treasury. Reference to the statutes of Virginia shows that John Robinson was appointed Treasurer of the Colony in November, 1738. He held that office in conjunction with that of Speaker of the House of Burgesses till his death May 11, 1766. A representative of a family distinguished in England and Virginia, he was during his lifetime the most influential man in the Colony, and as presiding officer of the House of Burgesses he was compared

<sup>3</sup>*Journal House of Burgesses, 1761-1765, pp. 227, 229.*

by Edmund Randolph with Richard Onslow, the famous speaker of the House of Commons.<sup>4</sup> After the French and Indian War many of the gentry were hard pressed for money, and to accommodate individuals Mr. Robinson, as treasurer, loaned them a large part of the notes which had been returned for redemption and should have been burned by him. In doing this, he was careful to take the bonds of the gentlemen so favored with proper security. The conduct of Robinson was a breach of trust, but it was not an act for which the law provided a punishment. His action could not be wholly concealed, and there were some whispers that all was not right, and on motion of Richard Henry Lee, an investigation was ordered by the House of Burgesses. This was a bold step, for obviously there was no one in the Colony at all desirous to defy the authority of so influential a man as Robinson. Then Robinson, as speaker, composed the committee of the chief supporters of the motion, and on May 29, 1765, Archibald Cary reported that they had examined the Treasurer's accounts and found them truly stated, and that there remained in the hands of the treasurer a balance of £10,068.3.9.<sup>5</sup>

But the probe had not gone far enough. The investigating committee had supposed that the treasury notes returned to the treasury had been all destroyed, which was not the case, and it was not until after the death of Robinson that the real state of the treasury was disclosed.

Among those who continued to hold unfavorable opinions of the treasury's condition despite the report of May 29, 1765, was Robert Carter Nicholas, a prominent lawyer, and member of the House of Burgesses. We are told that after Robinson's death, hearing that Governor Fauquier proposed to make the clerk of Robinson, James Cocke, temporary treasurer until the end of the next session, and believing that Cocke had been too closely associated with Robinson, Nicholas waited upon Fauquier, and offered his own services. Fauquier

<sup>4</sup>Edmund Randolph, MS. *Hist. of Virginia*.

<sup>5</sup>*Journal of the House of Burgesses, 1761-65, p. 356.*

thought it prudent to accept them and appointed Nicholas to act as Treasurer till the House could elect a permanent one.

Shortly after his temporary appointment, Nicholas discovered in the treasury the bonds taken by Robinson as security for the notes given his friends. He promptly exposed the matter in the *Virginia Gazette* and declared himself in favor of a separation of the offices of speaker and treasurer. There were some retorts in the newspapers from friends of Mr. Robinson, who resented what they chose to call an attack upon his character. But when the House met in November, 1766, it sustained Nicholas by passing two bills, one electing Nicholas to succeed himself at the end of the session, and the other separating, as he advocated, the offices of speaker and treasurer. At the next session, on April 9, 1767, Mr. Bland, as chairman of a committee, announced<sup>6</sup> the defalcation of Speaker Robinson as amounting to £102,019.5.7.

There is reason to believe that Robinson's use of the public money for private purposes was general throughout his administration, but the evidence is also conclusive that he confided in his own large means and the securities he took to protect the public. In the present case it is believed the Colony eventually suffered no harm. The charge that in 1765 the project of a loan office was devised by Robinson and his friends in the Legislature to cover up his irregularities, appears to have been an after thought of Mr. Jefferson, and is not mentioned in the *Virginia Gazette* or in any other contemporary literature.

The proposition of a loan office appears to have been rather a counterstroke to the merchants of London, who were given the opportunity of lending<sup>7</sup> the colony £240,000, of which £100,000 was to be used to retire all the outstanding paper money which they condemned so much, and £140,000 to be deposited as a stock to support an issue of bank notes to be

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<sup>6</sup>*Journal House of Burgesses, 1766-1769, p. 120.*

<sup>7</sup>*Journal House of Burgesses, 1761-1765; p. 350.*

loaned on permanent security and to be redeemed in a reasonable time.

In regard to this project Patrick Henry doubtless opposed it, as Mr. Jefferson says, but instead of being defeated in the House, as he also states, the Journal of the House shows that it passed that body and failed through the negative of the Council.

After the death of Robinson, when his defalcation was well known, the scheme of a loan office, or public bank, was suggested by Richard Bland to Richard Henry Lee, who had moved the enquiry in 1765, and in 1767 a measure involving the features of the plan proposed in the House before Robinson's death, was again moved and met exactly the same fate. The House approved it and the Council rejected it.<sup>8</sup> The high character of Bland negatives the assumption that there were any improper motives, and the measure itself had nothing necessarily criminal about it. As well might fraud be connected with the present Farmers' Loan Bank Act, which has proved very beneficial to a large section of the people in the United States.

From this time to the breaking out of hostilities with the Mother Country, Virginia made three new issues of paper money, all amply protected by proper taxes. One issue was in 1769 for £10,000, to cover £2,500 needed for running a new boundary line with the Cherokees, and the balance to provide for the issuance of copper pennies, and other contingent demands. Another was in 1771 for £30,000 to reimburse the merchants and others by reason of their losses on the different Virginia rivers by a great freshet which swelled them to an unusual extent. And a third was in 1773 for £36,834 to take the place of all the notes then outstanding in view of a dangerous counterfeit which had been discovered. Their issuance conformed to the act of Parliament and the notes were not made legal tender.

While discredit attached in so many of the colonies before

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<sup>8</sup>*Council Journal* III, 1376.

and about this time by their issuance of worthless paper money, which defrauded creditors of their just dues, nothing but praise can be given to those Virginia legislators who took so much precaution to keep our notes at par. They grew in credit, and under the management of the high-minded Robert Carter Nicholas, the notes on account of their easier handling, became shortly preferred to gold and silver. The merchants changed ground and became the leaders in urging new issues, and many of them brought gold and silver to the public treasury to be exchanged for these notes. This change is caustically commented upon by Colonel Richard Bland in a letter<sup>9</sup> to Thomas Adams, dated August 1, 1772.

Under the excellent management of Nicholas, when the Revolution began, Virginia was out of debt, except for the expenses incurred in Dunmore's Indian War. He resigned in 1777, affording the example of a public officer of strictest integrity, whose accounts, though subjected to searching examinations, were never found lacking in a singular particular.

Closely connected with the question of Parliamentary interference with the currency, was Parliamentary taxation. Promptly after the peace of 1763, George Grenville, Chancellor of the Exchequer, took up his scheme for raising a revenue in America. On March 9, 1764, he read in the House of Commons twenty-two resolutions setting forth certain duties to be laid on molasses, sugar, silks, Madeira wines, and other things, to go into effect at once, and a stamp tax on writings to be effective a year later. The resolves to this effect were agreed to in committee on March 9, and the next day, March 10, formally accepted by the House. April 5, a bill called the Sugar Bill, although it contained many other details besides sugar, received the royal approval and became a law. The agents in London of the Colonies promptly advised their respective governments in America and trouble soon began.

One noticeable thing about this agitation was that opposition in the North was directed against the Sugar Bill. This was

<sup>9</sup>*William and Mary College Quarterly*, V pp. 150-157.

a modification of the old act of 1733 called the Molasses Act, which had been evaded in that region ever since its passage. It was part of a Colonial system, which had for its object making the colonies fruitful to the Mother Country. This system had its beginning with the Navigation Act, passed in 1651, in Cromwell's time, and which was reinforced by other acts passed in 1660, 1663, 1670, and other years, whose object was to confine the trade of the colonies to British shippers and British ports. Other acts intended to discourage the inter-colonial trade and the exportation of American manufactures were made a part of the same system.

New England, which one would have expected this policy to have affected most, came off very easy as a matter of fact. Salt, which Virginia had to get direct from England, New England, because of the fisheries, was permitted to get in any part of the world. Her shipping, which was extensive, shared with the English in the carrying trade, and she received extensive bounties upon her fisheries, masts, oil, ashes, furs and other produce. New England drew a profitable trade with the French and Spanish West Indies, from which she exported sugar and molasses to make vast quantities of rum employed in the fisheries and the slave trade.

The act of 1733 generally known as the Molasses Act, was designed to operate in the interest of the British West Indies, but its provisions were evaded and the enforcement of the act was very lax. Indeed, the French and Indian War did not put a stop to this illicit commerce. It went on as badly as ever,—a conduct on the part of the merchants of New England not entirely patriotic, however we view it.

The real burden of the commercial system fell upon Virginia. She had no great amount of shipping of her own to share in the carrying trade, and such as she had paid respect to the laws, and smuggling was not popular. Virginia was, therefore, of prime importance to England, which derived a great revenue from her.

Even in the beginning of the system this burden was felt

very grievously. Dutch shippers, previous to 1651, the year of the first Navigation Act, had done most of the carrying trade, and many Dutchmen had made Virginia their home. Virginians thought, therefore, the banishment of these Dutch shippers by the navigation law a great hardship. They made vigorous protests but the complaints fell on deaf ears. On the contrary, the system was persisted in, and made even more drastic. The impositions grew all the heavier. Thus, in 1768, in a shipment by William & Mary College of thirteen hogsheads of tobacco, which sold in England for £490 9s 5d, the net amount remitted to the College was £81 17s, an average of about £6 per hogshead, which was something better than the usual average, which was £5. All the rest of the money went to paying freight, taxes and other charges incident to the shipment and sale.<sup>10</sup>

In spite of these handicaps, the planters of Virginia, through the importation of vast numbers of negro slaves and the demand for tobacco, got along very well, heaped up large fortunes and grew measurably reconciled to the "colonial system."

John Henry, in his "Concise Account"<sup>11</sup> of the Colony estimated the shipment of tobacco from Virginia in 1770 at 50,000 to 60,000 hogsheads, making the receipts of the planters £250,000 to £300,000 from tobacco alone. But in addition to this a considerable profit came to the Colony from other exports,—furs, pitch, tar, turpentine, plank, corn, clapboards, hogsheads and barrel staves, shingles, beef, pork, tallow, wax, butter and live stock, such as hogs, geese and turkeys, much of which was sent to the British West Indies in small sloops of Virginia make or ownership.<sup>12</sup>

While Virginia was chiefly an agricultural Colony the planters were appreciative of manufactures. In 1758 a society was established to promote manufactures and about this time

<sup>10</sup>*Tyler's Quarterly Hist. and Gen. Mag.*, I, 35.

<sup>11</sup>*William and Mary College Quarterly*, Vol. XIV, 83-87.

<sup>12</sup>*William and Mary College Quarterly*, XIV, 87.

there were a paper mill and a fulling factory in Williamsburg, a half dozen factories for making pig iron in other parts of the Colony, and a factory at Providence Forge, New Kent, where hoes and other useful implements were made. Great quantities of cotton cloth were manufactured on the plantations, and John Henry, in his "Concise Account," says it was computed that 250,000 pounds, for one or more years, had been manufactured annually. He adds that most of the men, as well as women of the lower classes, wore this cotton cloth both winter and summer. "In regard to the stocks of horses, cattle and hogs, they are very considerable, especially the first, there being a great number of the best English breeds now among us. And as to plate and household furniture, this Colony exceeds all the others upon the continent, so that upon the whole it is much the richest as well as of the greatest importance to Great Britain, and therefore well deserves its encouragement and protection."

Virginia, indeed, was the jewel of the British Crown, for from her alone was derived a revenue annually in tobacco of £2,000,000—a sum greater than the entire revenue of the Federal Government during the last year of the administration of John Adams. And yet her loyalty was proverbial. She was proud of having the same church as the Mother Country, proud of being a crown colony, and proud of having her youth educated at the English universities. She ever considered the Colonial system of trade an unjust one, but it was one which had divided public opinion as to its utility and had the endorsement of the statesmen of other nations as well as Great Britain. She was therefore disposed to put up with all its inconveniences and the average Virginian had the habit of considering himself a favored individual because of his British loyalty, and looked down with contempt upon the unsociable New Englanders, who differed from him in religion, tastes, and thoughts. But this very character in the colonist rendered him all the more tenacious of everything fundamental to English rights. On this point, the very fact of his loyalty made

him all the more stubborn and determined. Under no circumstances would he abrogate an Englishman's birthright and accept the undisguised position of inequality with Englishmen at home. The truth is that the planters on their estates, as masters of slaves, regarded their own particular selves as the freest people in the world, and this was the estimate placed upon them by Edmund Burke.

With these well-known differences in trade of the colonies the program of taxing America had an application in Virginia different from that in New England. Opposition in the latter section developed strongly against the Sugar Bill, and very little notice was taken of the menacing Stamp Act. The new Sugar Bill provided stringent means for its enforcement, and by the stoppage of the illicit trade with the foreign West Indies the New Englanders saw themselves threatened with heavy financial loss. In their formal complaint they talked indeed of taxation without representation, but this was merely incidental to the business question, which received by far the larger part of their attention.

The resolutions proposed by Samuel Adams at the Boston Town Meeting, May 24, 1764, were a protest against the Sugar Bill, not against the Stamp Act, as often stated. This is the character of the memorial and instructions drafted by James Otis and adopted by the Massachusetts House of Representatives on June 13, and it is the character of the circular letter sent out on June 25 in pursuance of them. There is only a distant reference to the Stamp Act in any of these papers, and the same character attaches to Otis' pamphlet published in July, 1764, entitled "Rights of the British Colonists, Asserted and Proved," and Oxenbridge Thacher's pamphlet entitled "The Sentiments of a British American," published in September, two months later. Nothing is said about the Stamp Act in either of these pamphlets. It is likewise the character of the formal address of the Massachusetts Assembly in October, 1764, in which both the House and Council joined.

The supremacy of Parliament was admitted by both James

Otis and the Assembly. In his pamphlet mentioned above, Otis wrote: "Let Parliament lay what duties they please, it is our duty to submit and patiently to bear them till they will be pleased to relieve us;" and in the petition of the Assembly the exemption from taxation was put as an indulgence, the joint address of the House and Council to the governor confessing it to be their duty to submit to the Sugar Act, while it continued.<sup>13</sup>

It was not until the early part of November, 1764, that the first serious consideration of the Stamp Act in New England appeared in a Rhode Island newspaper. Then it was only the expression of an unknown individual and not of a spokesman of the colony. It was succeeded by other writings of the same kind, of which one by Stephen Hopkins, of Rhode Island, entitled "The Rights of the Colonies In America," published December 22, 1764, was the most effective, as it was reprinted in several of the other colonies. Still the authorities and the people in New England as a whole were singularly free from grasping the appalling significance of the Stamp Act. The center of objection in New England continued for a long time to be the Sugar Tax, but this was not a measure sufficiently general in its operation to unite the colonies at this stage of the Revolution.

The Sugar Tax did not entail any great burden on the Middle and Southern States, and if one careful New England historian is to be believed, it was not sufficiently differentiated from the old Molasses Act of 1733 to have brought even the New England Colonies to the point of rebellion. Palfrey, the New England historian, says<sup>14</sup> that "it is by no means improbable that after all their remonstrances and complaints, they (the New Englanders) would have ended by reconciling themselves to the new restrictions on commerce as they had

<sup>13</sup>Hutchinson says of the petition of Massachusetts: "The petitions from the other colonies were deemed inadmissible because they denied the authority of parliament. That objection could not be made to this petition." Hutchinson: *History of Massachusetts* III, 114.

<sup>14</sup>Palfrey: *New England*, V 313.

done to the Writs of Assistance," and as a matter of fact the Sugar Act continued in existence after the Stamp Act had been repealed. On the other hand "the Stamp Act," to quote Palfrey's language "being simply the imposition of an internal tax presented the question of right in a form cleared from all subtlety and qualifications."

The Virginians, not being addicted to illicit trading, did not greatly object to the reduced rates of taxes offered in the Sugar Bill to the importers of sugar from the West Indies, a trade in which, in their small sloops that sailed from Hampton, Norfolk and the Eastern Shore, they shared to a considerable extent. The thing that roused their opposition most was the tax on Madeira wine, which was one of the features of the Sugar Act. But as the majority of the people drank ales of their own making and not wine, though the Colony's agent in London, Edward Montague, received instructions on the subject from the Committee on Correspondence, no one cared to make an issue with England on this question.

The motives of Virginia were almost entirely political. All duties, including the Sugar Tax, had a place in their objections, not so much because they put a burden on their pocket-books as because they tended to raising a revenue from America, which the old Molasses Bill did not profess to do. And so, though they did not forget the Sugar Bill in their resolutions, they turned their chief attention to the Stamp Act.

This was a measure wholly unprecedented and came to the fireside of every man on the continent, since it proposed a stamp on all wills, deeds, and every species of writing. Thus by interfering with everyday concerns of the people, it afforded a basis for a union of the northern and southern colonies, which covered all differences of trade, institutions and climate. To the Virginians it was a slap in the face of their local pride, an insult to all those tender feelings of loyalty which they cherished for the Mother Country. Worse, it was denial of all those rights, which as "descendants of Britons" they held most dear. Now, it is in the early appreciation of

what the Stamp Act meant to themselves and to the Continent that Virginians took the lead at this great and threatening moment.

The news of Grenville's resolutions in March, 1764, was communicated by the agent of the Colony, Edward Montague, in a letter dated March 10, which doubtless reached Virginia the latter part of April. That the news was abroad in the Colony during the month of May is shown by a letter of Richard Henry Lee, dated, Chantilly, in Westmoreland County, May 31, 1764. In this letter Lee reported that it was said that "the House of Commons readily resolved that it had a right to tax the subjects here without the consent of their representatives, and that in consequence of this they had proceeded to lay upon us a considerable sum of money, for the support of a body of troops, to be kept up in this quarter." Lee expressed indignation at the idea that "those brave, adventurous Britons, who originally conquered and settled these countries, through great danger to themselves and benefit to the Mother Country, meant thereby to deprive themselves of the blessings of that free government of which they were members, and to which they had an unquestionable right." He thought it not unlikely that "Poverty and oppression," as the result of this step of the Mother Country, "among those whose minds are filled with the ideas of British Liberty, may introduce a virtuous industry with a train of generous and manly sentiments, which, when in future they become supported by numbers, may produce a fatal resentment of parental care being converted into tyrannical usurpation." This was, according to our modern notions, a rather complex way of expressing oneself, but Lee clearly hinted at rebellion and revolution if the Stamp Act became effective.

Montague's letter was directed to the Committee of Correspondence, which was a standing committee of members of the Council and House of Burgesses, and had a discretionary power in dealing with the agent of Virginia in London.

A meeting was held at the capitol June 15, 1764, and the

following members were in attendance: John Blair, (President of the Council), William Nelson (next in dignity in the Council), Thomas Nelson, (Secretary of State), Robert Carter (member of the Council), John Robinson, (Speaker of the House of Burgesses), Peyton Randolph, (Attorney-General), George Wythe, Robert Carter Nicholas, and Lewis Burwell, members of the House of Burgesses. A committee of greater dignity and information could not be had in the colony, or probably in America.

The minutes of this committee on the actions of Parliament show how widely the alarm had already spread in Virginia.<sup>15</sup>

“Ordered that Mr. Montague be informed that this Colony is much alarmed at the attempt in Parliament to lay a duty on the sevl commodities men. (mentioned) in their Votes, a copy of which he sent to ye com. (committee) particularly on Madeira wine & the proposal for a stamp duty. That he is desired to oppose this with all his influence & as far as he may venture insist on the injustice of laying any duties on us & particularly taxing the internal trade of the Colonies, without their consent.”

Pursuant to this resolution, George Wythe and Robert Carter Nicholas were appointed a committee to draw up a letter to the Virginia agent.

When the committee met again on July 28, Robinson and Burwell were absent and Dudley Digges, previously absent, was present. Messrs. Wythe and Nicholas laid before the committee their letter<sup>16</sup> to the agent, which was read and approved. This letter went over the matters of interest to the colony, cautioned the agent as to the appeal taken by certain ministers to the Privy Council, in a controversy over their salaries, and lamented the failure of Parliament to pay attention to the petition presented by the Committee sometime before on the Salt Tax. Regarding the Sugar Act and particularly the tax in it

<sup>15</sup>*Virginia Historical Mag.*, XII, 6.

<sup>16</sup>*Virginia Hist. Mag.*, XII, 8-13.

on Madeira wine, they expressed themselves as "very uneasy," but as the bill had passed into law they thought it inexpedient to say anything further on that head.

By far the weight of the letter lay in its comments on the Stamp Act. And as these comments contain the first earnest discussion of the Stamp Act in America, their importance justify their publication here in full:

"We have been very uneasy (~~"much alarmed"~~) at an Attempt made in Parliament to lay a Duty on the several Commodities mentioned in their Votes, of which you were pleased to favour us with a Copy; the tax upon Madeira Wine will be very inconvenient to us, & we had it in our Intention to furnish you with such Reasons ag't it as we thought might have some Weight, but finding from the public Prints that an Act, imposing this Duty, has already pass'd, it is become unnecessary for us to say any thing farther upon that Head. The Proposal to lay a stamp Duty upon Paper & Leather is truly alarming; should it take Place, the immediate Effects of an additional, heavy burthen imposed upon a People already laden with Debts, contracted chiefly in Defence of the Common Cause & necessary to continue by express Stipulation for a number of years to come, will be severely felt by us & our Children; but what makes the approaching Storm appear still more gloomy & dismal is, that, if it should be suffer'd to break upon our Heads, not only we & our Children, but our latest Posterity may & will probably be involved in its fatal Consequences. It may, perhaps, be thought presumptuous in us to attempt or even to desire any Thing which may look like a restraint upon the controlling Power of Parliament: We only wish that our just Liberties & Privileges as free born British Subjects were once properly defin'd & we think that we may venture to say that the People of Virginia, however they may have been misrepresented, would never entertain the most distant Inclination to transgress their just Limits. That no Subjects of the King of Great Britain can be justly made subservient (~~"subject"~~) to Laws without either their per-

sonal Consent, or their Consent by their representatives we take to be the most vital Principle of the British Constitution; it cannot be denied that the Parliament has from time to time, where the Trade of the Colonies with other Parts was likely to interfere with that of the Mother Country, made such Laws as were thought sufficient to restrain such Trade to what was judg'd its proper Channel, neither can it be denied that, the Parliament, out of the same Plentitude of its Power, has gone a little Step farther & imposed some Duties upon our Exports; but to fix a Tax upon such Part of our Trade & concerns as are merely internal, appears to us to be taking a long & hasty Stride & we believe may truly be said to be of the first Importance. Nothing is farther from our Thoughts than to shew the least Disposition to any Sort of rudeness, but we hope it cannot be taken amiss that we, apprehending ourselves so nearly concern'd, should, at least, whilst the Matter is in Suspence, humbly represent against it, & take every Measure which the Principles & Laws of our Constitution appear clearly to justify, to avert a Storm so very replete with the most dangerous Consequences. We cannot but consider the Attempts which have been made the more extraordinary, when we reflect upon the Part we have taken in the late American War, & that we have always with the greatest Chearfulness submitted to & comply'd with every Requisition which has been made of us with the least Colour of Reason or Pretence of Necessity. We would therefore have you, Sir, & do most earnestly recommend to you, as the greatest Object of our present Concern, the exerting your whole weight & Influence so far as Decency will allow in opposing this & every other Measure of the Sort; and since we find, upon other Occasions, that you have met with a ready Disposition in the Agents of the other Colonies to co-operate with you, whenever the general Interest of the Continent of America seems to have been concern'd, we are of Opinion that their Aid & Assistance, in all Probability can never, upon any Occasion whatever, be more seasonably

ask'd than in the present Conjuncture, & we don't doubt but you will endeavour to avail yourself of it."

These words from the committee were marked by that profoundly respectful style to which the colonies were accustomed to make known their wants to the Mother Country, yet in their clear and emphatic claim of right and grave and earnest remonstrance, the notes of warning to England are unmistakable.

There was in them the suggestion of a hope that such a course as direct taxation would not be seriously prosecuted, but when at the same meeting the chairman, John Blair, of Williamsburg, laid before the committee a fresh letter from the agent dated April 11, received since their last meeting, which went to inform them that Mr. Grenville had tried the sense of the House of Commons on the authority of Parliament to lay a stamp tax, and the House was practically unanimous in sustaining him, their spirit rose indignantly and a postscript having a sharper ring was immediately penned at the table. It read as follows:

"Since writing the foregoing Part of this Letter, we have received your last of 11 Ap'; Every Mention of the parliam'ts Intention to lay an Inland Duty upon us gives us fresh Apprehension of the fatal Consequences that may arise to Posterity from such a precedent; but we doubt not that the Wisdom of a British parliam' will lead them to distinguish between a Power and Right to do any act. No man can say but that they have a power to declare that his Majesty may raise Money upon the people of England by Proclamation, but no man surely dare be such an Enemy to his Country as to say that they have a Right to do this. We conceive that no Man or Body of Men, however invested with power, have a Right to do anything that is contrary to Reason & Justice, or that can tend to the Destruction of the Constitution. These things we write to you with great Freedom and under the greatest Concern, but your Discretion will teach you to make a prudent use of them.

If a Sum of Money must be raised in the Colonies, why not in a constitutional Way? & if a reasonable apportionm<sup>t</sup> be laid before the Legisl' of this Country, their past Compliance with his Majesty's several Requisitions during the late expensive war, leaves no room to doubt they will do everything that can be reasonably expected of them.

Our Gen' Assembly will meet the 30th of Oct<sup>r</sup> next for Dispatch of Business, & we hope you will have Influence enough to postpone any Determination on this Subject till we can furnish you with their Sentim'ts thereon."<sup>17</sup>

The proposed action of Parliament in regard to the Stamp Act was general talk in Williamsburg before the meeting of the Assembly on October 30, for besides this letter of the agent and the letter from the Massachusetts committee on the Sugar Act, other letters arrived at Williamsburg, which according to James Mercer,<sup>18</sup> threw most people into a "flame." Two days after the House met, the Speaker, John Robinson, who was absent from the Committee of Correspondence in July, laid before it the Massachusetts letter which he had received addressed to him as speaker of the House of Burgesses, and on November 7 the Committee of Correspondence was ordered to lay before the House the agent's letters received since the meeting of the last Assembly, and their answers thereto. On November 13, all these communications were referred to the Committee of the whole House, sitting on the state of the Colony, and on the next day this committee, through their chairman, Peyton Randolph, reported four resolutions which, after being twice read, were agreed to, with some amendments, both by the House and the Council.<sup>19</sup>

The first three of these directed an address to be prepared to the King, a memorial to the House of Lords, and a memorial (subsequently changed to Remonstrance) to the House of Commons. The committee named to prepare them

<sup>17</sup>*Virginia Magazine*, Vol. XII, pp. 14-15.

<sup>18</sup>*Virginia Magazine*, X, 7.

<sup>19</sup>*Journal House of Burgesses*, 1761-1765, p. 256.

consisted of Peyton Randolph, Richard Henry Lee, Landon Carter, George Wythe, Edmund Pendleton, Benjamin Harrison, Archibald Cary and John Fleming.

The fourth resolution directed the committee appointed to correspond with the Agent of the colony in Great Britain to answer the letter of the Committee of the House of Representatives of Massachusetts and assure them that "the Assembly of Virginia are highly sensible of the very great importance it is as well to the Colony of Virginia as to America in general that the subjects of Great Britain in this part of its Dominions should continue in possession of their ancient and most valuable right of being taxed only by consent of their Representatives, and that the Assembly here will omit no measure in their power to prevent such essential injury being done to the Rights and Liberties of the People."

In the addresses as prepared and in the resolutions directing what the special committee named should make them say,<sup>20</sup> four things are noticeable. There is first no recognition of the supreme power of Parliament. Then stress is laid not upon a Sugar Bill but upon the Stamp Act. Next, instead of protesting against taxation alone, the protest is addressed to all legislation regarding the internal policy of the Colony. Then, so different from the Massachusetts petition, there is the emphatic assertion of right, which rings out over and over again. Not only is the right to be free from taxation, except with the consent of their representatives, called "their ancient and most valuable right," but broader still, this character is given to their right of being governed by such laws respecting their

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<sup>20</sup>Landon Carter, John Robinson, Richard Henry Lee and George Wythe were all four immediately concerned in preparing the resolutions and the memorials which were entered in this action of the Assembly. It would appear that Landon Carter was the first to move that action should be taken. Then R. H. Lee moved that a remonstrance to the House of Commons be drawn. Then John Robinson, the Speaker, moved that memorials to the King and the Lords be prepared. Following this, George Wythe prepared the remonstrance to the House of Commons and R. H. Lee the memorials to the King and to the Lords. See *William and Mary College Quarterly*, Vol. XX, pp. 185, 186, where evidence is given.

“internal policy,” and taxation as are derived from their own consent with the approbation of their sovereign or his substitute. It was denominated “a right which as men and descendants of Britons, they have ever quietly possessed, since first, by royal permission and encouragement, they left the Mother Kingdom to extend its commerce and dominions.”

The Assembly evidently intended to make the issue not one simply of “no taxation without representation,” but “no legislation without representation.” Manly as these papers are, there is something pathetic about them. They speak of the burden of debt which the people of Virginia have incurred out of patriotic loyalty in the late war, and since, in defending the common cause from the Indians, and declared that additional taxes by the British Parliament would be “intolerable,” and they appealed to the loyalty which they had always demonstrated as a sufficient vindication of the purity of their intentions.

These and similar demonstrations from other colonies, north and south, though none more decided, were insufficient, as we know, to shake the purposes of the ministry. Montague got Sir William Meredith to present the Virginia remonstrance to Parliament. It came next after a petition from Jamaica, but the objection was made to both that the rules of the House of Commons prevented any petition against a money bill being received or read. It was absurdly contended by Grenville that the Americans were represented in Parliament. But Virginia found an advocate in General Conway who said “The practice of receiving no petitions against money bills is but one of convenience, from which in this instance we ought to vary. The question regards two millions of people, none of whom are represented in Parliament. Gentlemen cannot be serious when they insist on their being virtually represented.”

Charles Yorke entered into an elaborate defense of the Stamp bill, and less than forty were willing to receive the Virginia petition. A third from South Carolina, a fourth

from Connecticut, though expressed in the most moderate voice, and a fifth from Massachusetts, the weakest of all, for it was silent on the right of taxation, shared the same refusal.

So despite all remonstrances from many sources, the Stamp Act was passed by Parliament on the 8th of March, and on March 22 it received the royal assent by commission, as George III was suffering under one of his temporary attacks of lunacy. There was an important delay in its operation, however, which proved fatal to its success. The bill had a provision that it was not to go into effect till November 1, and this afforded time for the contagion of resistance, so strongly manifested in Virginia, from the first, to spread throughout the colonies.

## CHAPTER III

### SELF-GOVERNMENT AND TAXATION REVIEWED

In the last chapter, the Virginia Assembly described their right of "being governed by such laws respecting their internal policy and taxation as are derived from their own consent, with the approbation of their sovereign or his substitute," as a right which "as men and descendants of Britons, they have ever quietly possessed since first by royal permission and encouragement they left their Mother Kingdom to extend its commerce and dominion."

This statement, though not true absolutely, was true approximately, and for nearly all the Colonial period. During the first twelve years under Sir Thomas Smythe, as Treasurer of the London Company, the Colony had the aspect of a military encampment governed by martial law, enforced with great severity by the Presidents of the local Council and the absolute governors, Gates, Delaware, Dale and Argall, who succeeded them. But this severity was contrary to the spirit of the charters of 1606, 1609 and 1612, which guaranteed to the inhabitants "all the liberties, franchises and immunities of English subjects."

After the expiration of this period, under the liberal management of Sir Edwin Sandys and the Earl of Southampton, the Colony entered on a free existence, and the London Company in 1618, pursuant to the charter of 1612, which authorized them "to ordain and make such laws and ordinances for the good and welfare of the said plantation as to them shall be thought requisite and meet, so as always the same be not contrary to the laws and statutes of our realm of England,"

created a legislative body called the General Assembly, consisting of Governor, Councillors, and representatives of the people, and having "free power to treat, consult and conclude as well of all emergent occasions concerning the public weal of said colony and every part thereof, as also to make, ordain and enact such general laws and orders, for the behoof of the said colony, and the good government thereof, as shall from time to time appear necessary or requisite." The election of representatives at this time by the "inhabitants" was the *first expression* of democracy on this continent, and the House of Burgesses, because it represented the people, ultimately became the ruling power in Virginia.

When the charter was revoked by King James in 1624, there was for a short time a suspension of General Assemblies, and the government was carried on by the governor and council through proclamations that had the force of law, but in the short period of four years the old order was restored, and the General Assembly resumed its exercise of legislative authority. Its jurisdiction covered the general field of legislation, but like all Englishmen, the members were especially sensitive as to any law involving a tax. So in 1624 they asserted for the first time on the American continent the indissoluble connection of representation and taxation. In that year the governor, though representative of the King, was inhibited from laying any taxes on the people without the consent of the General Assembly, and this law was re-enacted twice afterwards, in 1632 and 1642. In 1635, when Sir John Harvey refused to send to England a petition against the King's proposed monopoly of tobacco, which would have imposed an arbitrary tax, the Assembly deposed him from the government and sent him back to England, an act without precedent in America. In 1652 when the people feared that Parliament would deprive them of that liberty they had enjoyed under King Charles I, they resisted, and would only submit when the Parliamentary Commissioners signed a writing guaranteeing to them all the rights of a self-governing dominion.

And when after the restoration of King Charles II, the country was outraged by extensive grants of land to certain court favorites, the agents of Virginia, in an effort to obtain a charter to avoid these grants, made the finest argument in 1674 for the right of self-taxation to be found in the annals of the 17th century. Even this early we find the agents insisting "that neither his Majesty nor any of his ancestors or predecessors had ever offered to impose any tax upon this plantation without the consent of his subjects there."<sup>1</sup>

On this interesting occasion the suggestions of the Virginia agents were accepted by the committee for foreign plantations, and on their favorable report, King Charles II, on October 19, 1675, ordered a charter to be drawn up expressive of the understanding. It made the colony dependent on the crown and included special provisions for an Assembly having power to enact laws and lay taxes.

But the delays were numerous, and Bacon's Rebellion broke out in the interval. So, as a result, the charter was stopped in the signet office, before it received the great seal, and an instrument much reduced from the original purpose obtained all the formalities and received the King's signature. But this charter had the important feature, found in the arrested charter and the old charters of 1606, 1609, 1612, of making the colony dependent not on Parliament but solely on the Crown. Nor did its failure to mention the legislature and taxing power abrogate the pretensions of the colony in any particular. This omission left the King's commitment in council unaffected, and it did not impeach the powers of the Legislature, for the omission was made up by King Charles and his successors, who inserted the several clauses relating to it, found in the arrested charter of 1676, in the commissions issued from time to time to the Governors.

Democracy was at the bottom of Virginia's political life and expressed itself in the House of Burgesses; and when that House ceased to be representative, as it did during Sir

<sup>1</sup>Hening, *Statutes at Large*, II, 525-526; 541.

William Berkeley's administration, by being continued in existence fourteen years, the people under the lead of Nathaniel Bacon, Jr., who styled himself "General by consent of the people," took the reins into their own hands and established a government democratic in all particulars. The doctrine generally accepted in other places that the colonists were bound by those acts of Parliament in which that province was named, and appeared, seems to have had little recognition in Virginia.

Parliamentary acts were often reenacted in Virginia by the Virginia Assembly so as to give them the air of local authority. Thus the Toleration Act of Parliament was sanctioned by the colonial law as was the act establishing the Post Office in America. Against this latter act, however, as Spotswood says, "there was much murmuring among the people, who were made to believe that Parliament could not levy any tax (for so they called the rates of postage) here, without the consent of the General Assembly."

When we consider the story of colonial Virginia as a whole we find that the source of most of the troubles that make for history was the existence of two authorities owning different allegiances. The governors who had a negative on the laws, used their influence in behalf of British interests, which were often opposed to the interests of the colony. Hence there was much wrangling over the prerogatives of the Crown and the privileges and rights of the people. In these quarrels the Council generally sided with the popular house, which was very surprising to the authorities in England, who gave them their commissions as councillors, and which was often very unlike what happened in other colonies.

In illustration of this unfortunate antagonism was the administration of Alexander Spotswood, a man of strong convictions and patriotic views, but possessed of high notions of his rights and prerogatives. He complained in 1713 that the Assembly elected by the "mob of this country" would lay no tax on the people "let the occasion be what it will," and in 1715 he said that "such was their temper and understanding

(the Assembly) that they could not be reasoned into wholesome laws and such was their humour and principles that they would aim at no other acts than what invaded the prerogative or thwarted the government.”

Governors succeeding Spotswood learned to have more discretion, and avoided carrying their pretensions so high, and it is probable that Virginia for the remainder of the colonial period saw more of peace and harmony than any of the colonies. Out of the five royal governors that lived afterwards in the palace at Williamsburg, Drysdale, Gooch, Dinwiddie, Botetourt and Dunmore, three, Drysdale, Gooch and Botetourt were as conciliatory as circumstances permitted, and even Dinwiddie and Dunmore had really little of the old spirit of their predecessors Harvey, Berkeley, Culpeper, Howard, Nicholson and Spotswood. George Bancroft says in his history that it would have been “ill for the American Revolution” in Massachusetts, if instead of a Bernard or a Hutchinson, a man as conciliatory as Botetourt had been sent to that colony.

The idea, however, of local supremacy, and legislative control over the taxing power received several interesting vindications in Virginia not long before the Stamp Act issue, as developed in the last chapter.

While no one of these incidents in the life of Colonial Virginia can be called the beginning of the American Revolution, they were certainly the most important preludes to it.

When Robert Dinwiddie arrived as governor in the Colony, 1751, he brought information whose consideration consumed much of the time of the first session of the Assembly convened by the Governor on February 27. In 1745, a committee had been appointed by the General Assembly to revise the laws of the colony. The committee reported its work in the shape of many bills to the Assembly of 1748, which spent one of the longest sessions on record in considering and passing them. The work, which was an arduous one, was completed in 1749, and a copy sent on to the Board of Trade, but it was not till some months after Dinwiddie's arrival, when the laws had been

in operation in Virginia for three years, that the king's official action was communicated.

Then it was found that the King had disallowed ten of the acts, and what was worse, he had affixed the royal signature to the remaining fifty-seven. Now it was one of the standing instructions to the governors that when a law finally received the sanction of the King, it could not be repealed or amended till the new act received an approval from the same authority, for which reason it had become a custom to attach a clause to such new act suspending its operation till it was approved by his Majesty. It followed that it was greatly to the advantage of the people here that the King's signature should be withheld, since thus the laws might be altered quickly to suit changes in conditions, arising in the course of events.

When laws were disallowed, they could not be re-enacted except by special permission of the King given after full hearing in Council.

Thus either kind of action, approval or disapproval, by the King made for delay. It made for expense as well, for in these days men in authority in England were not above the purchasing power of money.

The announcement, which was made by proclamation April 10, 1752, created something like a panic in the Colony. The Council and House acted promptly and appointed a joint committee to consider what ought to be done. The most important of the repealed acts was one for regulating the proceedings of the General Court—the Supreme Court of the Colony. In accordance with the recommendations of the Committee, a bill was at once introduced to declare valid the proceedings of the Court from the commencement to the repealing of the act. This bill passed both houses the same day and was signed by the Governor. On April 15, a strong representation to the King was adopted by the two houses of the reasons for passing the ten acts and of the inconvenience of the rule in reference to acts finally ratified by the King, and begging a reversal of

his action.<sup>2</sup> Each house presented an address to Dinwiddie, as governor for assistance in getting their representation properly before the King, which he promised without hesitation to do.

The effect of the Assembly's address was to cause his Majesty to send instructions to Dinwiddie to give his assent to two of the ten laws, and the matter is only important now because it shows how contradictory were the relations between the Mother Country and the Colony, and how even the King's supervisory power was often a source of great embarrassment to the country.

The behavior of Governor Dinwiddie in this affair was very pleasing to the Assembly, and their gratitude found expression in the naming of a county after him and at the close of the session in a present of £500.

This harmony, however, did not continue. The next session of the Assembly began November 1, 1753, and the question of the pistole fee divided with the French the attention of the Assembly.

According to a statement made by Colonel Richard Bland, one of the leaders of the House, there were in the Secretary's office, when Dinwiddie came to Virginia, nearly a thousand patents made out and ready to be passed under the Colony seal, and more than that number of surveyors certificates for land for which patents should have been issued long before. When those interested applied for their patents, they were told that they must wait till the close of the session of Assembly. After the Assembly adjourned the Governor made known the fact that hereafter a pistole fee would be required before he would attach his signature to a patent.

The order raised a storm, and feeling against the Governor was very much inflamed by the fact that the order was not given till the House had passed the resolution making him the handsome gift referred to. The matter came regularly before the present House on the petitions from freeholders of various

<sup>2</sup>*Council Journal*, II, 1082.

counties, including Dinwiddie County, the governor's recent namesake.

The House took the view of the petitioners and regarded the imposition as a tax and used this resolute language<sup>3</sup> in their address to him on the subject: "The rights of the people are so secured by law that they cannot be deprived of the least part of their property but by their own consent." As these words occur, word for word, in Bland's "A Modest and True State of the Case," edited by Worthington C. Ford in his *Virginia Tracts*, the address was clearly Bland's work. Bland in his "True State" compared the pistole fee with the ship money exacted by Charles I.

The passionate feeling of resentment experienced by the Assembly is shown by their action in passing a resolution: "That whoever shall hereafter pay a pistole as a fee to the governor for the use of the seal to the patents for lands shall be deemed a betrayer of the rights and privileges of the people."<sup>4</sup>

The contention of Dinwiddie was that he was acting in obedience to his instructions and advice of the Council, that all unoccupied land was the King's property; and that he was only demanding a fee that was common in other colonies. This was not at all satisfactory. No fee had been exacted in Virginia except in Lord Culpeper's time, and this the King had on complaint of the legislature promptly discontinued, so Dinwiddie in breaking a custom of nearly an uninterrupted century's standing was exceedingly unwise. Fundamentally speaking he was wrong. The plain truth was that the king held the vacant lands not for himself but in trust for the people of Virginia, and the imposition of the pistole fee interfered with the natural rights of the people to dispose of their own property.

The General Assembly appealed the case to England, and sent over Peyton Randolph, the Attorney-General of Virginia, as their attorney, and the dispute was heard before the Board of Trade. Before this tribunal, Lord Worthington, represent-

<sup>3</sup>*Journal House of Burgesses, 1752-1755, p. 143.*

<sup>4</sup>*Journal House of Burgesses, 1752-1755, p. 155.*

ing Virginia, insisted that the fee was essentially a tax, and he demanded of Lord Mansfield, who acted for Dinwiddie, how he could fix a real tax upon the people of Virginia without the consent of the Legislature, and Mansfield returned no direct reply. The Privy Council on hearing the argument on both sides ordered a compromise, without reflecting, as Chalmers says, that "every disputed right is relinquished by concession." Dinwiddie was held right in principle, but he was commanded to exact no fee for patents issued for less than 100 acres, or for any person imported, or on lands to the west of the mountains, or on lands the preliminary steps for getting patents had been taken before April 22, 1752, when Dinwiddie issued his order. It was also declared that no patent should issue for a larger body of lands than 1,000 acres, and that the Attorney-General, Peyton Randolph, should be restored to the office which Dinwiddie had declared vacant on his departure for Europe, as agent for the Assembly.

The fact adverted to that the imposition of the Pistole fee interfered with the natural right of the people to dispose of their own property was the point in the controversy which rose a year later over the Two Penny act—the third and most important of the preludes to the opening of the Revolutionary drama. It involved a principle identical with that involved in the resistance to the Stamp Act.

Virginia had a State Church represented by about sixty ministers, who were most of them Englishmen from the English universities. Many causes have contributed to give them a reputation in history which is by no means a just one. They have suffered at the hands of travelers, who are given to generalizing from a few special cases. They naturally opposed the spread of dissent, and as a result were condemned by the dissenters. Reformers, like Jarratt and Meade, have abused them because such is the unconscious spirit of reform to see little good in anything with which it disagrees. Finally, they suffered from the patriotic writers, who, in spite of the demonstration of the Virginia clergy in favor of the colony, when war

was at hand, never forgot their appeal to the power of the crown at this time. Some of the ministers were, without doubt, men of loose morality, but Rev. Andrew Burnaby, who spoke discriminatingly, reported the majority to be of "sober and exemplary lives." This did not mean that this majority did not drink and play cards, for drinking and playing cards were universally indulged in before the Revolution.

Probably all that Burnaby meant to say was that the Virginia clergy would bear comparison with the English clergy, of whom he was one, and were as a body superior in their habits to the majority of the laity.

By an act passed in 1696, the salaries of the clergy were settled at 16,000 pounds of tobacco. At that time that commodity was rated 10s per hundred, which made their provision eighty pounds sterling per annum. In the year 1748, when the laws were revised, the act which established the salaries of the clergy was re-enacted with some amendments. This act being approved by the governor went immediately into effect in Virginia, and was one of the fifty-seven acts which received the royal approval in England and became, according to the usual form of instructions to the governors, as already explained, irrevocable except by an act of equal dignity, that is, one having also the royal approval. In December, 1755, the Assembly passed an act to remain in force for ten months, allowing all tobacco dues to be paid at the option of the payer, at sixteen shillings, eight pence for each hundred pounds of tobacco. Because the price set was equal to two pence a pound, the law was called the "Two Penny Act."

The act had no suspending clause for the King's approval, but was to go into effect at once and the reason alleged in the preamble for its passage was "a great drouth," which threatened to reduce the tobacco crop, and make taxes too heavy in this period of war.

The law was perfectly general in its application, but the clergy was the only part of the community that complained.

After the passage of the bill through the House of Burges-

ses, a fight against it was begun in the Council. In that body Thomas Dawson, one of the professors in the College of William and Mary and commissary to the Bishop of London, made a strong speech against it, but in vain. After its passage through the council, four of the clergy, also professors, John Camm, William Preston, Thomas Robinson and Richard Graham, called upon Governor Dinwiddie, and begged him to use his veto. This gentleman, who had his whole heart and soul in the French war, replied: "What can I do? If I refuse to approve the act, I shall have the people on my back." He promised, however, to refer the question to the Council for advice, a step not calculated to help the cause of the clergy, as that body had already approved the bill in their legislative capacity. Now, as his official advisers, they counselled him to sanction the bill, taking the ingenious ground that it did not lessen the quantity of tobacco to be paid, but only explained it by ascertaining the equivalent in money. After this advice Dinwiddie approved the bill.

Then the local clergymen tried to get Commissary Dawson to call a convention of the clergy, but he thought such a call imprudent and advised them to ask the intervention of the Bishop of London, who was their diocesan. This, some of the clergy accordingly did, and Commissary Dawson wrote in their behalf. But this was not entirely satisfactory, and the effort was again made to get the Commissary, now elected president of the College, to call a convention. When he refused to do this, he was bitterly condemned by the four before mentioned professors, and they joined with seven other ministers and advertised in the *Virginia Gazette* for a clerical convention to be held August 31, 1757, a course which greatly incensed Governor Dinwiddie, who was condemned by them. But the two pence per pound permitted by the Act, having by this time turned out the average value of tobacco, only nine of the brethren thought it worth while to attend the convention; and these forebore to make any complaint. So the cloud at this time broke, and the trouble in its acute stages passed away,

not failing, however, to leave behind a bitter crop of bad feelings, which were manifested especially in the College circle. On various charges the Board of Visitors, in 1757, removed three of the professors, Camm, Robinson and Graham, and a fourth, William Preston, escaped removal only by returning to England. The College exercises were practically suspended and many parents sent their children to the new College at Philadelphia. Among the charges laid at the door of the Rev. William Preston and the Rev. Thomas Robinson was the fact of their marrying and "keeping contrary to all rules of seats of learning, their wives, children and servants in the College, which occasioned much confusion and disturbance."<sup>5</sup>

In June, 1758, Dinwiddie was superseded as governor by Francis Fauquier, son of Dr. George Francis Fauquier. He was generous and liberal in his manners, and as a fellow of the Royal Society of England, he had a scholarly character and fine literary taste. He was fond of science and delighted in the society of such men as Dr. William Small, Professor of Natural Philosophy in the College, and of George Wythe, celebrated for his love of learning in classics, philosophy and law. He left an impression of taste and refinement on the Colony which eminently aided it in the leadership that for nearly a century it was called upon to assume. Had it not been for his passion for gambling, which spread a contagion through the colony, he would have been nearly everything that could have been wished for in a royal governor. On the question of American rights, Fauquier was, as far as his situation would admit, entirely on the popular side, the natural result of his devotion to scientific studies which made him hostile to dogmas of all kinds. In 1760, he expressed great apprehensions to William Pitt that the colonists would not submit to any Stamp Act.

Some months after his arrival, the General Assembly met in October, 1758, and framed another Two Penny act to continue for twelve months. Like the act of 1755, the new act did

<sup>5</sup>Perry: *Historical Papers: Virginia*, p. 440.

not discriminate, and there was no clause suspending the operation of the same until sanctioned by the Crown. The clergy took action again, and a deputation consisting of the Commissary, Rev. Thomas Dawson, and two eminent ministers, Rev. John Camm and Rev. William Robinson, called upon the Governor to get him to veto the measure, but Fauquier was even more unsatisfactory than Dinwiddie. This is the account of their interview as given by Mr. Robinson: "We humbly represented to his Honor that the act which we were threatened was contrary to reason and common justice. His answer was, that was not a point to be considered. We then gently put him in mind that it was contrary to his instructions. He answered that is a point not to be considered. It was asked what was the point to be considered, and he frankly told us the sole point to be considered was what would please the people."<sup>6</sup> The reason of the new act was "some unseasonable weather," made more serious by the fact of the war with the French.

The apprehension this time turned out correct, and the scarcity of tobacco made the market price rise to six pence per pound. The Clergy determined to appeal to the King and a convention of thirty-five ministers assembled at the College. They drew up a memorial and intrusted it to Rev. John Camm, formerly Professor of Divinity in the College and minister of Yorkhampton Parish, which was one of the parishes adjoining Williamsburg, and lying in York County.

This action of the clergy put an entirely new phase upon the question. The clergy were undoubtedly within their moral and legal rights in opposing the bill as long as it could be reasonably opposed in the colony, but an appeal to the King against the colonists was to say the least very unwise, if not unjustifiable. The clergy could not have been ignorant that the assertion of the royal prerogative had provoked more than once the deep resentment of the people for whom they ministered. Only a few years before the Assembly had protested against this very branch of prerogative that they now invoked, which made

<sup>6</sup>Perry: *Historical Papers: Virginia*, p. 509.

an act once approved by the King irrevocable except with his consent. But their action in appealing the strength of their individual cause became lost in the much more important question whether in a matter purely local, a matter indeed involving a question of local taxation, any other will than that of the Assembly should prevail.

Mr. Camm, the agent of the clergy, went to England in the early part of 1759, and with the assistance of the Archbishop of Canterbury obtained an interview with the King, to whom he presented the clergy's petition. The King referred the paper to his Privy Council, who on May 14, 1759, referred it to the Board of Trade, and the latter thought it expedient to ask the opinion of Dr. Thomas Sherlock, Bishop of London. The Bishop's letter of reply<sup>7</sup> which is dated June 14, 1759, fully sustained the memorial and denounced the Two Penny Act as "unjust to the clergy, inconsistent with the dignity of the Crown, and tending to draw the people of the plantations from their allegiance." In this communication the Bishop took notice of the great change which in the last few years had ensued in the temper of the Virginians, and that what made the change more serious was the evident disposition of the governor and council to act in concert with them.

July 4, 1759, the Board of Trade reported to the King that their opinion was that he should declare "his royal disallowance of the acts of December, 1755, and October, 1758," which was accordingly done in council on August 10 following. Mr. Camm was elated and immediately wrote to his attorney in Virginia to bring suit for his salary against the collectors of Yorkhampton parish, but it was not without considerable loss of time that he was furnished with a copy of the order and additional instructions for Governor Fauquier. So after a stay in England altogether of 18 months he set out on his return to Virginia and arrived at Hampton on June 20, 1760, where in order to refresh himself after the tedium of the sea

<sup>7</sup>Perry: *Historical Papers: Virginia*, p. 461.

voyage he accepted a week's hospitalities from his friend, the Rev. Thomas Warrington.

During the absence of Camm great excitement prevailed in Virginia, and after his suit began in the General Court the General Assembly on November 14, 1759, adopted a resolution directing the Committee of Correspondence of Virginia to instruct the agent of the General Assembly Edward Montague (for Virginia had then two agents, one representing the General Assembly and one representing the Council) to employ the necessary counsel in any appeal to England relative to the Two Penny Act. The letter of the Committee is dated December 12, 1759, and takes the ground that the act of 1758 was intended as an aid to the act of 1748, fixing the ministers' salaries, and not a deviation from it. They further defended the act by citing various acts of a similar nature, which had been passed and sent to England, and no objection made to them.

At about the time when the Bishop's Letter began to be circulated among the clergy in the Colony, two champions of the people sprang into the arena and assumed to reply to the Bishop's strictures. These were Col. Landon Carter, of "Sabine Hall," in Richmond County, and Col. Richard Bland, of "Jordan's," in Prince George County.

Both of these men were informed on the history of Virginia, and probably neither of them had much love for the clergy. We know that some years before, Col. Carter became incensed with a reverend gentleman, who preached a sermon against pride, which he took to himself. As a consequence, Col. Carter had vowed, it is said, that he would never be satisfied until, despite the King, Bishop, government or any court of judicature, he turned the said reverend gentleman out of his office and "clipped the wings of the whole clergy in the Colony."<sup>8</sup> Col. Bland had officiated as a lay reader in his church in Prince George County and the Journal of the House of Burgesses clearly shows that he was the author of both the Two Penny bills. Col. Carter's pamphlet, which was entitled "A Letter

<sup>8</sup>Perry: *Historical Papers; Virginia*, pp. 389-391.

to the Right Reverend Father in God, the Lord Bishop of London" was dated December, 1759, and printed in Williamsburg the same month. Col. Bland's pamphlet was dated March 29, 1760, and printed soon after. Each of these pamphlets set out to defend Virginia against the Bishop's charges. They contended that the General Assembly, in fixing the salary of the clergy in 1748 at 16,000 pounds of tobacco, had in mind its value in ordinary years, and had not intended that it should amount to three times that sum.

As to the claim that the act had not the royal approval and was also against the Governor's instructions, Col. Carter argued that there were exceptions to all cases and that "justice to the people" and "charity to the poor" made this tobacco act an exception. Col. Bland took the ground of the *Salus populi suprema est lex* and argued that necessity made its own law, and that in certain cases even royal instructions "may be deviated from with impunity."

Rev. William Robinson in a letter dated November 20, 1760, informed Dr. Sherlock, the Bishop of London, that the two pamphlets were received with great applause in the Colony, "which," he said, "sufficiently showed to what a pitch of insolence many are arrived at not only against our most worthy Diocesan, but likewise against his Majesty's most honorable Privy Council." He thought that the tendency of the whole affair was "to bring about a change in our religion as may alter the constitution of the State."

In the meantime, Mr. Camm on June 27, 1760, in company with Mr. Warrington and Mr. Robinson came up from Hampton to Williamsburg. After their arrival they called upon the Governor at the Palace and handed him the order of the Privy Council and the instructions to put them into effect. Mr. Robinson's account of the interview is not calculated to give us a very high opinion of the behavior of men in high society in those days. The Governor flew into a great passion and called with great vociferation to his negroes, telling them when assembled, with his finger pointed at Mr. Camm's face, to

“look at that Gentleman and be sure to know him again and under no circumstances to permit him to revisit the Palace.”

Says Camm's friend, Mr. Robinson: “There was something peculiar in this last indignity, for it is the greatest affront that can be put upon a freeman here to give orders concerning him to his slaves.”

The two clergymen therefore left the palace, and repaired to the Mayor before whom Robinson made an affidavit that he had seen Mr. Camm deliver the papers to the governor, a procedure on the part of Mr. Robinson which long rankled in Fauquier's bosom and which he never entirely forgave.

After this Mr. Camm tried to induce Mr. Dawson to call the clergy that he might report to them the result of his mission, but Mr. Dawson, who was friendly to the governor, declined. The commissary indeed appears at this time to have been in a very unhappy condition not only in regard to the clergy of whom he was the nominal head, but in regard to the professors of the College of which he was the president.<sup>9</sup>

In August, 1760, two of the new professors, Rev. Jacob Rowe and Rev. Goronwy Owen, becoming merry with the wine cup, led the boys of the College in a row with the boys of the town, and the former was removed and the latter to save himself resigned. The commissary himself began to drink hard and was indicted by the grand jury for drunkenness. When he was arraigned before the College Board, he confessed the offense, but had the honor to have an excuse made for him by his friend, Governor Fauquier, who said that it was no wonder that the poor man got drunk, since he had been driven to desperation by persons of his own cloth. His death a few weeks later on December 2, 1760, seems to show that he was suffering under a complete breakdown, and was really not responsible for his conduct. In his obituary in the *Maryland Gazette*, no doubt the work of his friend Fauquier, Mr. Dawson is praised for his “moderation, meekness, forgiveness and long suffering,” and it is also stated that “it is much to be feared he fell

<sup>9</sup>Perry: *Historical Papers: Virginia*, p. 464.

a victim to the repeated marks of ingratitude and malice which he, unhappy man, frequently experienced in his passage through this State of Probation."

In his place, and to the disgust of Governor Fauquier especially, Rev. William Robinson was appointed by the Bishop of London commissary and Rev. William Yates succeeded as president of the College.

Governor Fauquier issued a proclamation in regard to the royal disallowance, but by using the word "repeal," not to be found in the order of the Privy Council, he disseminated the notion that the Two Penny Act, which had now expired by its own limitations, was only annulled from the time of the proclamation and not from its inception, which of course made the remedy of very little value.

Afraid to risk all upon Mr. Camm's suit in the General Court, various other ministers, acting independently, instituted separate actions in the county courts. Among these were Rev. Thomas Warrington, who sued in Elizabeth City County, Rev. Alexander White, who sued in King William County, and Rev. James Maury, who brought suit in Hanover County.

Mr. Camm, now pretty well warmed up to the fight, wrote a pamphlet about August, 1763, which he called "A Single and Distinct View of the Act vulgarly called the Two Penny Act," in which he severely criticised "the justice and charity" ascribed to the same by Col. Carter in his pamphlet in 1759, and the *Salus Populi* argument of Col. Richard Bland's in 1760. Unable to find a publisher in Williamsburg, he had it published by Jonas Green that year at Annapolis, in Maryland.

Col. Bland retorted in a letter published in the *Virginia Gazette*, October 28, 1763, and Camm, replied in a letter entitled "Observations," published shortly after. Personalities flew about quite freely, and in the early part of 1764, Col. Carter came to Bland's assistance with a pamphlet entitled "The Rector Detected: Being a just defense of The Two Penny Act against the artful misrepresentations of the Reverend John Camm, rector of Yorkhampton, in his Single and Distinct

View, containing also a plain confutation of his several Hints, as a specimen of the Justice and Charity of Colonel Landon Carter." Bland's letter in the *Gazette* and Camm's "Observation" were published by Bland in his pamphlet "*The Colonel Dismounted*" hereafter described.

In the meantime, the separate actions in the county courts by the ministers were tried with varied results. In the suit of Rev. Thomas Warrington, of Elizabeth City County, the jury gave damages if the court considered the law invalid, but the court held the act to be valid and refused to enter up judgment for the plaintiff.<sup>10</sup> In the case of the Rev. Alexander White, St. David's Parish, King William County, all the questions were left to the jury, and they found against him. In both these cases, appeals were taken to the General Court, where Mr. Camm's suit was pending.

None of the suits which were brought excited such interest as that instituted by Rev. James Maury, of Fredericksville Parish, Hanover County. In this case the court decided the Two Penny Act to be null and void, and a jury was summoned for the December term, 1763, to ascertain the damages. The vivid grouping of authentic incidents around the trial has no rival in the story of the writ of assistance in Massachusetts. If Otis in Massachusetts, in the language of John Adams, was "a flame of fire," his light soon burnt low, when the crisis of the Stamp Act was reached. On the other hand, Patrick Henry, who now flamed before the people of Virginia in Hanover in the Parsons' cause, blazed at the latter period like a "Pillar of Fire" before the whole American people, and afterwards shone with scarcely diminished lustre throughout the rest of the period preliminary to the Revolution.

This is the way in which Camm's friends, Commissary William Robinson, told the story of the action in Hanover:

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<sup>10</sup>See Minutes Elizabeth City County, March 2, 1763, in *William and Mary College Quarterly*, XX, pp. 172-173.

“The event of Mr. Maury’s” (Mr. Maury himself gave an account of the trial, which is published in Maury, *Memoirs of a Huguenot Family*, 421-423), “cause on the same question was more extraordinary than either of the former brought in the county courts. For here the court adjudged the Act to be no law. But the jury, summoned afterwards on a writ of inquiry to settle the damages, tho it was proved by unexceptionable evidence uncontradicted, that the tobacco for which the plaintiff had been allowed 16s 8d a hundred, was worth 50 shillings a hundred, had the effrontery to bring in one penny damages for the Plaintiff. To this important Verdict they were persuaded by the strange argument of a young lawyer; who professed afterwards that he had acted solely from desire of popularity. He was pleased to tell the jury that the use of the clergy consisted only in their promoting obedience to civil sanctions; that for daring to complain of a just law passed by such a power as the Governor & Assembly, they ought to be severely punished; that he hoped they would make an example of Maury in particular, as far as they could at present, by giving him a penny damages, and that the King by taking upon him to disallow the Act of the Governor & Assembly had forfeited all right of obedience heretofore due from his subjects in Virginia. For all of which he received no Check from the Court, nor has he hitherto been taken notice of by any other power; tho’ he pleaded before a numerous audience of magistrates & Assembly men & persons of all ranks in the Colony, some of whom did murmur at the time ‘treason, treason!’ \* \* \*

After the trial was over this Lawyer excused himself to the plaintiff by telling him that he had no ill will against him or wished to hurt him, but that he said what he did to make himself popular. He has succeeded in making himself popular in that part of the country where he lives. He has since been chosen a representative for one of the counties in which character he has lately distinguished himself in

the House of Burgesses on occasion of the Arrival of the Act of parliament for Stamp duties. While the Assembly was sitting, he blazed out in a violent speech against the Authority of parliament and the King, comparing his Majesty to a Tarquin, a Caesar, and a Charles the First and not sparing insinuations that he wished another Cromwell would rise.”

It may be proper to say here that Henry's part in this controversy has been often misunderstood. His speech has been taken as the beginning of Virginia's protest against the prerogative, whereas the first Two Penny Act disregarding the accepted constitution was eight years before him. Nor was his action an advocacy of the poor against the rich, as the latter class fared best under the Two Penny Act. As a matter of fact, “Henry fought the battle of the whole colony and of the ruling powers more than of any other element.”<sup>11</sup>

The result in Mr. Maury's case was very disheartening to all of the clergy except their intrepid leader, Rev. John Camm, who was not to be beat so readily. In the spring of 1764 he published a pamphlet in reply to Colonel Carter's “Rector Detected,” entitled “A Review of the Rector Detected or the Colonel Reconnoitered. Part of the First.” In this very spicy production Camm took notice of Colonel Carter's rather singular argument that the passage of the Two Penny Act without a suspending clause, instead of exhibiting a treasonable intent, was proof of “the most dutiful regard imaginable to the Sovereign,” “whose innate goodness could not require such a clause in a thing so universally desired.” Said Camm in reply :

“If so old and deep a politician as the Colonel, so able a Writer, a Man so acute at Demonstration, can express himself in this unguarded Manner in print on the Subject of the Prerogative, producing the Freedom he takes with the Power of the Crown as an Expression of Regard to his

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<sup>11</sup>H. J. Eckenrode, *Separation of Church and State in Virginia*.

Sovereign, no Wonder that an obscure Lawyer, the other Day, when a court had previously adjudged the Two Penny Act to be no law, and a Jury was summoned on a Writ of Inquiry to settle the Damages which the Plaintiff has sustained by the said Act, adjudged no law, should tell the Jury that the King, by disallowing the said Act, *had forfeited the Allegiance of the People of Virginia*; and that the Parsons, for opposing the said Act by *legal Means*, instead of obtaining Damages, deserved to be *severely punished*. No Wonder that the Jury, in Opposition to unexceptional Evidence, instead of bringing in the Difference between 50s a Hundred and 16s 8d upon 16,000 Weight of Tobacco, which latter price the Plaintiff had been paid, brought in 1d Damages for the Whole. No Wonder that the Court refused to let the Evidence be recorded. No wonder that there was a small Cry of Treason among the Bystanders. No wonder that the Court, though called upon by the opposite Pleader to take Notice of his Adversary's Behavior, permitted the Offender to proceed in his treasonable Harangue without any Reprimand or Interruption. No wonder that though this Harangue was made in the Presence of various Magistrates, and some Assemblymen, yet no further Notice has been taken of this remarkable Transaction. No Wonder that after the Trial was over the Pleader excused himself to the Plaintiff for the Injury he had done him, alleging that what he had said of the *King's forfeiting the Allegiance of the People*, and ill Behaviour, was only intended to render himself *popular*. I hope he is mistaken and that to insult *Majesty* is not the high Road to *Popularity* in this loyal Colony, whatever it may be to abuse and *oppress the Clergy*."

In April, 1764, Mr. Camm's case, which I fear had been purposely delayed before the General Court, came up for a hearing after more than three years' sleep on the docket. The

lawyer opposed to him was Robert Carter Nicholas, a strong friend of the established church, but who assumed the ground first suggested by Fauquier's use of the word "repeal" in his proclamation that the King's order was prospective and could have no effect on the Two Penny Act, which had expired before the disallowance came to hand. The result was that the majority of the Court—John Blair, John Tayloe, William Byrd, Presley Thornton and Robert Carter Burwell—decided against Camm's conclusions, and in favor of the validity of the act;<sup>12</sup> As the court was not equally divided, Governor Fauquier did not vote, but after the judgment was given he arose and declared that it had his full concurrence.

About July, 1764, Col. Bland came out in a pamphlet written eight months before, as a reply to Camm's "Single and Distinct View." It was entitled: "The Colonel Dismounted, or the Rector Vindicated, in a letter addressed to his Reverence, containing a dissertation upon the Constitution of the Colony."

He took the ground which it appears had been urged in the General Court in Camm's case, a very reasonable one, that a law passed by the Assembly and approved by the Governor was legal, however much the governor himself might be subject to punishment as overstepping his instructions.

The chief importance of this pamphlet lies in its earnest discussion of the Virginia constitution under the British Sovereign. Indeed, in his perception of the real authority of an American colony Bland is not only ahead of James Otis, Samuel Adams or any other pamphleteer or writer in time, but is far ahead of them in his views. This pamphlet is the great initial paper of the American Revolution.

It covered the whole ground of the American contention short of its most advanced stages. It argued that "any law<sup>13</sup>

<sup>12</sup>Members of the council who voted that the Two Penny Act was invalid were Richard Corbin, Peter Randolph, Philip Ludwell Lee and Robert Carter. Perry: *Historical Papers, Virginia*, p. 495.

<sup>13</sup>This word appears in the pamphlet as "tax" but the sense shows that it was intended for "law."

respecting our internal policy which may hereafter be imposed upon us by Act of Parliament is arbitrary and may be opposed." These words exempted laws for the regulation of trade, but plainly included taxes for revenue purposes, whether laid directly or indirectly by imports. Bland denied that Parliament had any right to make any laws affecting Virginia's home affairs, and asserted that Virginia's Code of Law consisted of the common law, the statutes of England made before the settlement at Jamestown, and the statutes of her own General Assembly.<sup>14</sup>

Mr. Camm appealed his case to England, and in the very letter which the Virginia Committee of Correspondence wrote to their agent in London, July 28, 1764, protesting against the Stamp Act, instructions were given to him to see that the suit appealed by Camm was properly defended. In 1765 Camm published in Williamsburg what appears to be a final pamphlet in the controversy, entitled "Critical Remarks on a Letter Ascribed to Common Sense," in which he shows up the inconsistencies in the argument of Bland and Carter not without considerable effect. His appeal to the Privy Council was heard in 1767, but the Privy Council, anxious at that time to conciliate Virginia, dismissed the suit on the ground that it was improperly brought.

Mr. Warrington appealed to the General Court, but it declined to hear the case pending Camm's appeal in England. After the adverse action of the Privy Council the General Court in Virginia at the October term, 1767, decided against Warrington, and even refused to permit an appeal to England, arguing that the decision in Camm's case had decided the whole

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<sup>14</sup>Bland's style is remarkably smooth, as compared with James Otis and other contemporary writers. One wonders how Dr. Moses Coit Tyler could describe it as "jerky and harsh," after his words of eulogy for much inferior writers. But that the Doctor, in spite of his really deserved reputation as a critic, could make some terrible mistakes, is shown in his very ill-founded allusion to the "fresh and unadorned rascality" of the famous option law. Tyler, *Henry*, 37. Dr. George Elliott Howard says: "There is small ground for so harsh a judgment." Howard, *Preliminaries of the American Revolution*, 1, 94.

matter. The judges, however, must have known that the decision was on a mere technicality and did not preclude a new suit.

Still unconquered, Mr. Camm prevailed upon the convention of the clergy, which assembled in 1769, on the incoming of Lord Botetourt to appoint a committee to consider an application to the Governor for a mandamus to remove Warrington's cause to England. Robinson was now dead, and James Horrocks, who was both commissary and president of the College, advised against the application, and it is probable that Botetourt refused to issue the writ: for we see no more of the Parsons' causes in the record.

If at any time casuistry was employed by the assembly, the governor, the courts, or the juries, it shows better than anything else the determination of the Virginians to defeat the King's will. The people of Virginia felt that the salaries paid the clergy were taken from their pockets, and, as with the Stamp Act, they claimed the right to control their own money without interference from abroad. Such, indeed, were the sentiments expressed to the world by the House of Burgesses at this very time on the subject of the duties on tea.<sup>15</sup>

Such is the history of the controversy over the Two Penny Acts. Unlike the question of the Writs of Assistance in Massachusetts, which occupied but short attention in that colony, and involved only rights applicable to any British citizen, this controversy convulsed the Colony of Virginia for 14 years and interested all orders of society. It was carried to England and was discussed by the Bishops, the Board of Trade, the Privy Council and the King. Unlike the result in Massachusetts, where Writs of Assistance were enforced, down to the Boston

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<sup>15</sup>The main authority for the Two Penny Act controversy are Papers Relating to the History of the Church in Virginia, edited by William Stevens Perry. Copies of the different pamphlets mentioned in the text are found in the Virginia State Library. Other helpful material is found in H. J. Eckenrode, *Separation of Church and State*; Howard, *Preliminaries of the American Revolution*, in Hart's *American Nation*; Henry, *Life and Speeches of Patrick Henry*; Wirt, *Henry*; and Tyler, *Henry*.

Port bill, the Virginia People came out victorious, a result which the historian Lecky declares greatly encouraged their opposition to the measures of the ministry.<sup>16</sup>

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<sup>16</sup>Lecky: *England in the Eighteenth Century*, III.



PATRICK HENRY

## CHAPTER IV

### THE STAMP ACT—ITS PASSAGE AND REPEAL

In America the intelligence of the passage of the Stamp Act caused the deepest despondency. Despite the strength and power of the resolutions adopted at the session of 1764, the leaders of the Assembly had not reached a condition of mind to commit the colony to a course that might be construed as treason. These leaders consisted of a remarkable body of men, that had no equal in America for talents, culture and learning, of whom John Robinson, the Speaker, Richard Bland, Landon Carter, Peyton Randolph, Robert Carter Nicholas, George Wythe and Edmund Pendleton were the most important. Richard Henry Lee was one of the leaders also, who, though a young man and of a less conservative mind, was content to go along with the older men. Indeed, he thought so little of rebellion at this time that at the beginning of the session of 1764 he applied for the post of stamp distributor, which he appears to have considered not at all inconsistent with his taking a prominent part not long after in preparing the protests against the Stamp Act.

At this time Otis and the other Massachusetts leaders were talking of the supremacy of Parliament and preaching the doctrine of submission to the Stamp Act when passed.

After the passage of this fatal measure passive resistance appears to have been the policy adopted in the colonies. Non-importation and the encouragement of domestic manufactures were the prevailing measures. In Virginia the more radical planters were contented to go clothed in Virginia cloth manufactured on the plantations. In Massachusetts Otis continued to preach the doctrine of submission and declared that Parlia-

ment had "undoubtedly the right to lay internal taxes on the people," though he contested its justice. In all the colonies unmistakable signs were given of acquiescence in the Stamp Act but by a people greatly dissatisfied.

Not one of the American agents in England imagined the colonies would think of disputing the Stamp Act with Parliament at the point of the sword. Benjamin Franklin, the agent for Pennsylvania, solicited the appointment of stamp distributor for a nephew.

When the Massachusetts Provincial Assembly met in May, 1765, Thomas Oliver, although he had been appointed stamp distributor, was elected councillor, and, continuing his protest along loyal lines, James Otis on June 6 prevailed on that body to propose to the colonies a Congress to meet in New York in October to consult on a united representation of their condition to the King. This, the only action taken by the Massachusetts Legislature, was aided by the royal governor Bernard, who thus gained control of the movement and managed to have two government men, Oliver Partridge and Timothy Ruggles, associated with Otis, in the delegation of that colony. The time of the meeting was set so late that it could not have been expected by Otis or others of its supporters that its action could affect the operation of the Stamp Act which was to go into effect in November.

Hutchinson, the chief justice of Massachusetts, wrote to the ministry his impression of the situation: "The Stamp Act is received among us with as much decency as could be expected; it leaves no room for evasion and will execute itself."

It was at this critical hour that Patrick Henry entered upon public life. His speech as a lawyer in the "Parsons' Cause," as the suit in Mr. Maury's case against the Two Penny Act was popularly styled, had given him a great reputation. It showed that he was a man possessed of two attributes highly necessary in a great leader of men—courage and eloquence. He was a new member and at this time about 28 years of age.

Finding that the old leaders were disposed to temporize,

and deeming the course fatal to the cause, he took the lead out of their hands by offering a set of resolutions asserting the rights of the Virginia people in language emphatic and void of the effusive loyalty that had characterized previous papers. Violent debates ensued and Mr. Henry was supported by most of the young men in the House, especially those from the western counties. He was opposed by all the old members who were championed by John Robinson, the speaker, and George Wythe, who had drawn the remonstrance to the House of Commons at the preceding Assembly.

It was in this "most bloody debate," as Mr. Jefferson, who heard it, describes it, that Henry, while descanting on the tyranny of the obnoxious act, exclaimed in a voice and with a gesture that startled the House: "Tarquin and Caesar had each his Brutus, Charles the First his Cromwell, and George the Third. . . ." "Treason," shouted the speaker (John Robinson). "Treason! Treason!" echoed from every part of the House. Without faltering for an instant, but rising to a loftier altitude and fixing on the speaker an eye which seemed to flash fire, Mr. Henry added with most thrilling emphasis, "may profit by their example. If this be treason, make the most of it."

Five resolutions were adopted, but after Mr. Henry's departure before adjournment, a motion was made and carried to expunge the last and most daring of the five. Nevertheless, there were published in the *Virginia Gazette* the four remaining on the Journal and two additional ones, more drastic than the fifth expunged, which were offered in the committee of the whole and not reported, and which declared in substance that the imposition of taxes without the consent of the General Assembly created no obligation on the people here, and that any person or persons who shall maintain the contrary should "be deemed an enemy to his Majesty's colony." In this form they appeared in other newspapers and were spread throughout the colonies.

The point of difference between Henry's resolutions as

actually adopted and those adopted at the previous session lay not so much in the wording as in conditions. The first was a rebellion against action had and the latter a protest against action proposed. They voiced the inarticulate feelings of the whole country against submission. Governor Fauquier styled them this "rash heat," and dissolved the Assembly.<sup>1</sup>

The effect was seen especially in Massachusetts, the most powerful of the northern colonies. When the news of the action of Virginia first arrived there, this action appeared so antagonistic to the course of submission apparently accepted that there was a marked silence. "On the first surprise" many persons in Boston, including James Otis, pronounced it "treasonable."<sup>2</sup> But this state of mind lasted only a short time and from having been censured, the spirit discovered in it suddenly received the plaudits of the whole colony.

The effect also was seen on the call of James Otis for a general congress to consider the Stamp Act. The circular had at first received no countenance. The speaker of the New Jersey Assembly promptly replied that the members of that body were unanimously against meeting on the present occasion. The spirit of resistance displayed in the Virginia resolutions created an entire change in the fortunes of the proposed congress. All the colonies that had the power to do so fell in line, and accepted the invitation to meet. Virginia could not do so because of Fauquier's adjournment of the Assembly on the first of June.

This Congress met in New York October 7, but instead of confining itself to the declared purpose of its call, "a dutiful, loyal and humble petition" to his Majesty, they set out under the stimulation of Henry's resolutions, "a declaration of rights and grievances" and inserted it in their Journal. Their address to the King, Lords and Commons had a similar patriotic character. But with a Tory, Ruggles of Massachusetts, as President, and such a submissionist as James Otis for a mem-

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<sup>1</sup>Henry, *Henry*, p. 87.

<sup>2</sup>Hutchinson: *History of Massachusetts*, III, p. 119.

ber, the papers had a profoundly loyal ring about them. Had Fauquier called an Assembly and sent Patrick Henry to New York, there would probably have been no such clause in the papers as "all due subordination to that august body, the Parliament," and such fulsome expressions of loyalty to King George as "the best of Kings." Nevertheless, as a step in the march to union, the Stamp Act Congress deservedly holds a high place in American history.

The newspapers of the country at large were laden with the proceedings of towns and meetings in different locations, which passed elaborate series of resolutions. An analysis of them shows that sentences, and indeed entire resolves of the Virginia series reappear in those of Connecticut, Maryland, Rhode Island and other colonies, especially the words "exclusive legislation in the articles of taxes and internal policies," which had entered not only into Henry's resolutions, but had found a place substantially in Bland's constitutional argument in the "Colonel Dismounted" (1763), and in the Virginia resolutions of 1764. It was a continental adoption of Virginia's ancient principle that there must be not only no taxation without representation, but *no legislation without representation*. The *Virginia Gazette* teemed with articles against the Stamp Act, and among the more notable writers were John Mercer, of Marlborough, and Meriwether Smith, of Essex County.

About the time of the adjournment of the Stamp Act Congress in the latter part of October, George Mercer, (son of John Mercer), who had been appointed distributor, arrived in Williamsburg; when meeting with much opposition from a multitude composed of leading merchants and representative citizens, he agreed not to undertake the execution of his office, "until he received further orders from England, nor then without the assent of the Assembly of Virginia." All the stamped papers brought by Mercer were taken aboard his Majesty's ship, *The Rainbow*, and none was landed.<sup>3</sup>

Two other things showed how greatly the spirit of Vir-

<sup>3</sup>*Journal House of Burgesses, 1761-1765, pp. 68-72.*

ginia had changed. The first consisted in the formation of associations pledged to prevent the enforcement of the Stamp Act. The Westmoreland association was formed at Leeds-town, February 27, 1766, of gentlemen from the Potomac and Rappahannock region, and there was another association in Norfolk, who called themselves "Sons of Liberty," formed on March 31. Both pledged themselves by strong resolutions against permitting the employment of stamps by any body. The resolutions of Westmoreland were written by Richard Henry Lee, who had now become one of the radical champions of the rights of the colony.

Perhaps, however, no single agency had greater effect upon developing thought in America than the publication at Williamsburg, in March, 1766, and republished later in London, of a pamphlet by Richard Bland, entitled "An Enquiry into the Rights of the British Colonies." Here was an opponent of Henry's resolutions going beyond the doctrines set out a few months before. In his "Colonel Dismounted," written in 1763, Bland had argued for the absolute legislative power of Virginia in internal affairs, and Henry had stressed the doctrine in his fourth resolution. Now Bland took a step decidedly in advance, and argued that though a part of the British Empire, "Virginia was no part of the Kingdom of England," and that having been settled by Englishmen at their own expense under particular stipulations with the Crown, it was under no obligations to receive laws from the Parliament. It was to the Crown alone that the Colonies owed their existence. It was to the Crown alone that the Colonies owed allegiance. Bland admitted that certain statutes of Parliament of later date than 1606 had passed in Virginia, such as the Navigation Laws, but this fact was not deemed by him fatal to his contention. Virginia "submitted as the weaker vessel," but "power abstracted from right does not give a just title to dominion," and though submitted to because of necessity, may be resisted whenever the sufferer obtains strength enough to do so.

Dr. Moses Coit Tyler in his "Literary History of the Amer-

ican Revolution" declares that the doctrine thus advanced was "a prodigious innovation." But it was afterwards accepted by the American public and became the ground on which the union with Great Britain was dissolved. In language still bolder than Bland's, Jefferson expressed similar views in 1774 in his "Summary View of the Rights of the British Colonies," and he states that George Wythe shared with him, at that time, in similar radical opinions.

And yet too much stress is not to be laid on Dr. Moses Tyler's words. The doctrine was not one held in 1766 in Virginia by Bland alone, for we are told by Rev. Andrew Burnaby, who travelled in Virginia in 1759 that many of the Virginians were of that opinion.

The defiant attitude assumed by Virginia was attested, not alone by the Stamp Act resolutions of May 30, 1765, and "the innovations" advanced by Bland in his pamphlets, but by the remarkable stand which was taken by one of the county courts. The policy adopted by the colonists in general was to embarrass England by loud protests and non-importation associations into repealing her obnoxious revenue laws, and such a thing as official resistance was never contemplated. In the address of the Massachusetts House to Governor Bernard, Samuel Adams, who wrote it says<sup>4</sup> that "he knew of no declaration that the Stamp Act shall not be executed within this province. Declarations had been made by individuals that they would not use stamped paper."

Everywhere else except in Northampton County, Virginia, the courts either declined to transact any business requiring stamps, or proceeded to business on the plea that there were no stamps obtainable, and it was absolutely necessary to do so. In Northampton County alone the court met the issue face to face and deliberately set aside the Act of Parliament as contrary to the constitution. This proceeding of the court is so remarkable that a copy of the record should be given.

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<sup>4</sup>Wells, *Samuel Adams*, I, 72.

“Virginia—sc.:

“At a court held for Northampton County, Feb. 8, 1766:

“On the motion of the clerk and other officers of this court praying their opinion whether the act entitled ‘An Act for granting and applying certain Stamp Duties and other Duties in America,’ etc., was binding on the inhabitants of this colony, and whether they, the said officers, should incur any penalties by not using stamped paper agreeable to the directions of the said act, the court unanimously declared it to be their opinion that the said act did not bind, affect, or concern the inhabitants of this colony, inasmuch as they conceive the same to be unconstitutional, and that the said several officers may proceed to the execution of their respective offices, without incurring any penalties by means thereof, which opinion this court doth order to be recorded. *Griffin Stith, c. n. c.*”

The significance of the action does not stop with its negation of the Stamp Act. It reaches out and asserts the overruling power of the judiciary, which was not generally accepted in the United States till the era of written constitutions. But Virginia in 1766 did have a constitution, though it was an unwritten one, and there is no reason why the courts might not have asserted their protectorship of it.

It is important to be noticed that while the Virginia Assembly in 1765 acted under the leadership of a comparatively new man, the division among its members was not a radical one. The opposition to Mr. Henry proceeded not so much from the matter of his resolutions as from a doubt as to their expediency at the time. R. H. Lee, who had taken active part in the preparation of the resolutions at the preceding session, did not attend the session in May, 1765, and yet became, as we have noticed, one of the most “flaming sons of liberty.” Peyton Randolph was afterwards first president of the Continental Congress. Richard Bland was chairman of the committee of the whole that reported the resolutions of April 7, 1768, and George Wythe stood with John Adams in advo-

cacy of the Declaration of Independence. Finally, Edmund Pendleton was chairman of the Committee of Safety and President of the Convention that declared for independence in May, 1776.

Henry's resolutions brought America to the point of resistance, but at the critical moment when blows seemed imminent, there was a change in the administration in England. Grenville resigned in July, 1765, and the Duke of Cumberland became Prime Minister. On the night before the Stamp Act was to go into effect the Duke died and Rockingham succeeded him. Among the new members were the Duke of Grafton and General Conway, who were friendly to America. The ministry thus composed referred the matter of the enforcement of the Stamp Act to Parliament.

Papers were laid before the House showing the conditions of the colonies, and, among them the Virginia resolutions as the original cause of the great disturbance held first place. The merchants of London trading to North America, showed that their interests had been greatly affected by the decrease of the imports, which were not half what they were in previous years. Witnesses were examined and among the number Benjamin Franklin.

William Pitt in the House of Commons urged a repeal in one of the most brilliant of his speeches, in which he denied the right of Parliament to tax America, ridiculed the idea of their representation in Parliament, and exclaimed: "I rejoice that America has resisted. Three millions of people so dead to all the feelings of liberty as voluntarily to submit to be slaves would have been fit instruments to make slaves of the rest." In the House of Lords, Lord Camden maintained the cause of the colonies in a speech of great force, in which he said: "Taxation and representation are coeval with and essential to the constitution." Under such influences the repeal of the act was carried, but the majority was obtained only by putting the repeal on the ground of expediency and by the adoption of a declaratory resolution stating explicitly that the King and Parlia-

ment "had, hath, and of right ought to have full power and authority to make laws and statutes of supreme force and validity to bind the colonies and people of America, subjects of the Crown of Great Britain, in all cases whatever."

King George very unwillingly affixed his name to the repeal act on March 18, 1766, and on May 2, news of the repeal reached Williamsburg by the ship *Lord Baltimore*. The joyful intelligence was celebrated at Norfolk and Williamsburg and other places by balls, illuminations and the ringing of bells. The people of Westmoreland County had a portrait painted of William Pitt, and the General Assembly at its session beginning Nov. 6, 1766, considered a bill for erecting a statue of King George and obelisk to the champions of the colonies who had contributed to its repeal in England, but after a report from Landon Carter of a suitable inscription for the obelisk the whole matter was postponed till the next session, when probably owing to the discovery then made of the emptiness of the Treasury through John Robinson lending out funds, the bill was not called up, but suffered to die on the calendar.

## CHAPTER V

### THE REVENUE ACT—CRISIS OF THE CIRCULARS

The joy of the colonies over the repeal of the Stamp Act was not to continue very long. King George regarded the repeal as "a fatal compliance," and with a fatuity difficult now to understand, Parliament in little more than a year had managed to embroil things as badly as ever. With the Declaratory Act went orders requiring New York, under the Quartering Act, to supply provisions to the troops stationed there. When New York declined full compliance, an act of Parliament was passed and approved by the King on the 2d of July, 1767, suspending its powers as a legislative body till it submitted. The Assembly, however, had fully complied with the requisites on May 26, so that the act of Parliament appeared in a peculiarly tyrannical aspect.

Hand in hand with this measure went an act to lay new taxes on the colonies, and to this course they were led by the eager desire of the landed interest in England to escape some of the heavy burden of taxation incident to the war, and by the eloquence of the brilliant Charles Townshend, who in a speech in Parliament in January, 1767, declared that England was undone if all taxation of America was abandoned. He, aided by Grenville, enforced the necessity of the colonies sharing the expense of maintaining troops for their defense, which amounted annually to £400,000 sterling.

A bill laying duties upon glass, paper, lead, painters' colors and tea was introduced and passed into law, but though Townshend claimed that he had found a measure, which as an external tax the colonies could not object to, it was identical in principle with the Sugar Bill,—an external tax which

the colonists had not long before condemned. Like the Sugar Bill it differentiated itself from all the acts on trade by making revenue its primary object, as stated in the preamble of the bill itself. Townshend and many like him affected not to see the distinction, but William Pitt made the difference clear. In his speech on the Stamp Act he said: "If the gentleman does not understand the difference between internal and external taxes I cannot help it; but there is a plain distinction between taxes levied for the purpose of raising a revenue and duties imposed for the regulation of trade; although, in the consequences, some revenue might incidentally arise from the latter."

And here it may be asked why in the eventful days succeeding, was Massachusetts selected by the British government as the object of punishment and vengeance instead of Virginia; who had exceeded her in asserting the principles of self-determination. This question was even asked of the ministry in Parliament and by the Continental Congress in 1774 in its famous address to the people of the British Colonies.

Undoubtedly the matters which first directed the mind of the British government to Massachusetts were the outrages perpetrated, after Henry's resolutions, by the mob in Boston on the property of several eminent individuals in that part of the country—such as Thomas Hutchinson, the lieutenant governor; Andrew Oliver, the Stamp Act Collector; and the registrar of the admiralty and the controller of the customs. Nothing equal to these atrocities occurred in any other of the provinces. In Virginia George Mercer was burned in effigy; Archibald Ritchie, father of Thomas Ritchie, the famous editor of the *Richmond Enquirer* was tarred and feathered, and Capt. William Smith brutally treated at Norfolk, but the rioters did not steal and plunder. The actors in Boston looted and stole, and at a town meeting the inhabitants of Boston not only expressed abhorrence of them, but vainly organized a civil guard to prevent the repetition of their outrages.<sup>1</sup>

<sup>1</sup>Hildreth, *History of the United States*, II, 528.

Besides mob rule, which prevailed in the towns of Massachusetts, there was the marked difference in the character of the governors of Massachusetts and Virginia. Bernard and Hutchinson were constantly exaggerating difficulties in Massachusetts to the ministry and secretly urging them to unwise and extreme measures. In Virginia, on the other hand, Fauquier and Botetourt sympathized with the colonists and exerted themselves to induce the British government to believe in the honest and patriotic purposes of the people.

Another reason lay in the great number of educated Tories who resided in Boston and neighboring towns. Virginia had fewer Tories than any of the colonies. They consisted principally of Scotch merchants and the shipping people in the counties of Norfolk, Princess Anne, Accomac and Northampton. Very few of the influential citizens were Tories, and not even half a dozen alumni of William and Mary College. Unlike the Episcopal clergy in other parts of the country, the majority of the Virginia ministers<sup>2</sup> espoused the American cause. On the other hand, in Massachusetts the Tory element was displayed in many ways. Few of the actions of the provincial legislation in behalf of colonial rights were carried unanimously as was practically always the case in Virginia. At the time of the evacuation of Boston, 1100 loyalists retired in one body and one writer says that the list of Tories of New England "read almost like the bead roll of the oldest and noblest families, concerned in the founding and upbuilding of New England civilization." Sabine says that all the government officials were adherents of the Crown, and mentions leading citizens of Massachusetts of whom 140 were graduates of Harvard. John Adams says<sup>3</sup> that the last contest in the town of Boston in 1775 between Whig and Tory was decided by five against two.

Next Boston, as one of the towns of largest size and centre of the shipping interests, was naturally selected as the imme-

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<sup>2</sup>Thomas, *The Loyalty of the Clergy of Virginia*.

<sup>3</sup>Adams, *Works*, X, 63.

diate seat of the officers charged with the enforcement of the Revenue Act. These people were anxious for military support, and beset the government in England with appeals for ships of war and regiments of troops.

So it follows that the influences that made for collision were due to the existence of a pro-British sentiment in Boston, that, as a matter of fact, existed nowhere else in the same degree. It was these pro-British elements that brought Boston to the front, and the Americans who acted in more than one of these moments of excitement, had no real authority, and, as in the case of the turbulent proceedings under the Stamp Act, assumed the character of a lawless mob, disowned by the very men whom we are accustomed to regard as the leaders in Massachusetts, James Otis and Samuel Adams.

And yet, if the Massachusetts contention for primacy is correct, the true heroes of the Revolution in Massachusetts were not James Otis and Samuel Adams, but the mob leaders, who in the case of the Boston Tea Party did not venture to disclose their faces to view and remain nameless to this day.

As a matter of fact, these turbulent incidents in history were not movements themselves, but only occasions for movements. And in all the crises that arose (and four great crises may be distinguished) it was Virginia that furnished the solution of the difficulties and led the advance. Dr. Edward Channing, professor of History at Harvard University, with a candor that does him honor, says in his *History of the United States* (III, p. 54), speaking of the opposition to the Stamp Act: "In this Virginia led—as she constantly did in the constitutional opposition of the next few years."

#### CRISIS OF THE CIRCULARS

The Stamp Act was repealed on March 18, 1766, and the new act, called the Revenue Act, received the royal approval June 29, 1767. Knowledge of its passage arrived in Virginia about August, 1767.

In the interval there was a meeting of the Virginia Assembly which lasted from November 26, 1766, to April 11, 1767. Nothing but harmony existed between Fauquier and the Assembly, and in their address to him, the Assembly felicitated itself upon absence of destruction of property during the unhappy period of the Stamp Act. It was the opinion of Thompson Mason, one of the members, that the Declaratory Act should be met by the different Assemblies with an equally strong declaration of their rights, "so that one declaration of rights will stand against another, and that matters will remain as they are till some future weak minister shall, by aiming at popularity, think proper to revive the extinguished flame." In the same spirit the Assembly at this time expressed the hope "that no tacit consent to that affecting circumstance (the Stamp Act) which produced the distractions of those times will ever be concluded from that prudence which only governed them in the preservation of their rights and liberties."

This interval, however, was not so calm in Massachusetts. There the clashing influences, to which allusion has been made, kept matters in a ferment. The Provincial Assembly provided payment for sufferers from the mob, but justly offended the governor and English government by pardoning the ruffians who perpetrated the outrages. On the other hand Governor Bernard did all sorts of foolish things which the sensible Fauquier would have never dreamed of doing, and thereby brought upon himself and the government he represented new dislikes.

When the news arrived that Boston was to be made the headquarters of a new tyranny, it increased the suspicions and jealousies already entertained. And yet the fervor occasioned by the Stamp Act having died out, it seemed difficult to get up anything like the old excitement. A town meeting held in Boston, October 28, 1767, voted to forbear the importation and use of a great number of articles of British produce, but Otis who was still the leader urged caution and ad-

vised that no opposition be made to the new duties. On the 20th of November, 1767, when the taxes went into effect, the people of Boston were remarkably quiet, and non-importation appeared to be making little headway.

The Massachusetts Legislature came together in its second session December 30, 1767, and on January 20 it adopted a letter to the government in England drawn by Samuel Adams, who was now coming to the front as the real leader, displacing the fickle Otis. It was an able letter, and reproduced with great ability the old arguments respecting taxation. There was, however, in it no bold words against the right to tax, no threats or denunciations which could be called treason like the resolutions and speech of Patrick Henry two years before. They repeat the old unfortunate admission of the Stamp Act Congress that Parliament had a superintending authority over the colonies.

Loyal and submissive as the paper was, Adams' cautious fellow legislators would not accept it as it originally stood. They subjected it to a severe examination. Eight times was the paper revised, every word was weighed, every sentence considered, and each seemingly harsh expression tempered and refined. When the question of sending a circular to the other colonies was broached, caution amounting to timidity was manifested. By a large majority they voted down the proposition of writing to the other colonies. It appeared after all that if no other influences came into play except those that existed in Massachusetts the excitement would die away and the new act like the Sugar Act would go into operation there.

But fortunately there were influences coming from a more southerly latitude which were destined to create a different result. These were the *Farmer's Letters* written by John Dickinson of Pennsylvania and the *Monitor Letters*, written by Dr. Arthur Lee of Virginia, which began to appear serially in the papers during December, 1767, and ran through the months of January and February. Both Dickinson and Lee were strong writers, and their communications were copied and spread

through many newspapers. Dickinson appealed more to the conservative elements of society and Lee to the radical.

Arthur Lee was born in Virginia in 1740, son of Thomas Lee, President of the Virginia Council. He was one of eight brothers, five of whom rose to distinction in their day—the most distinguished being Richard Henry Lee. Arthur Lee was one of the most active men of the Revolutionary period, and no faithful account of him has yet been written. Unlike Dickinson he kept pace with the Revolution and to few men is America more indebted for his work as a letter writer both in America and England, and services in the diplomatic corps. He was in London when the repeal of the Stamp Act was agitated. He heard Mr. Pitt and Lord Camden, and though the obnoxious act was repealed, he was persuaded that the spirit which dictated it was still resting near the throne. With this impression he returned to Virginia in August, 1766, and it was not long before his apprehensions were realized by the passage of the Revenue Act. When Dickinson began his serial letters under the signature of a *Pennsylvania Farmer*, which were universally read and greatly admired, Lee undertook a similar work but in a more impassioned style in the *Virginia Gazette*.<sup>4</sup>

It was these papers that produced the salutary change in the Massachusetts Assembly. Two weeks after the vote against Adams' circular prevailed, the Assembly, by the same majority with which they had defeated the proposition, reversed their action and erased their former vote from the Journal. The circular was dispatched and went the rounds of the colonies, but it acknowledged the supremacy of Parliament.<sup>5</sup>

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<sup>4</sup>These letters were afterwards, in 1769, printed and published together in a pamphlet by William Rind of Williamsburg, a copy of which is in the Library of Congress. Though second only in popular opinion, at that time to the *Farmer's Letters*, Dr. M. C. Tyler, nevertheless snubs them in his *Literary History of the American Revolution*. On the other hand, Mr. Ford, in his *Letters of William Lee*, refers to the "charm of Arthur Lee's style," I, 65.

<sup>5</sup>In John Adams' *Diary, Works*, II, 343, is the following, under date of August 17, 1774: "This morning Roger Sherman, Esquire, one of the delegates for

In the meantime Virginia was moving with that unity and decision which distinguished her. Governor Fauquier would not call the Assembly together and prorogued it from time to time, for in spite of his sympathy with the Virginians he felt he had to be loyal to the Crown. But discontent was general and found expression in resolutions adopted in different counties. Fauquier died March 3, 1768, and John Blair, of Williamsburg, President of the Council, promptly announced a meeting of the Assembly on March 31, 1768. This exercise by Fauquier of his prerogation powers in putting off the sessions of the Assembly from time to time, and similar actions of royal governors in other colonies, found a place later among the grievances noted in the Declaration of Independence.

When the Assembly came together, both that body and President Blair paid a tribute to the distinguished merit of the late governor and eulogized "his constant exertion of every public and private virtue as well in the duties of his station as in the endearing reciprocations of friendship among us." The circular from Massachusetts had been received by the Speaker some little time before, and Blair now laid it before the Assembly on the first day of the session, and on the next day petitions were submitted from the Counties of Chesterfield, Henrico, Dinwiddie and Amelia, condemning the Parliamentary Act suspending the legislative powers of New York, and one came from Westmoreland County, followed by one from Prince William next day, condemning the Revenue Act. In the shortest possible time, resolutions and memorials to the King, Lords and Commons were prepared, having the old time spirit of resistance: and these protests were not the work of one house only, and that a divided house, as in Massachusetts, but represented the unanimous voice of both the Council and the Burgesses.

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Connecticut, came to see us at the Tavern, Isaac Bears' \* \* \* He said he read Mr. Otis' Rights, etc., in 1764, and thought that he had conceded away the rights of America. \* \* \* He would have been willing that Massachusetts should have rescinded that part of their circular letter, where they allow Parliament to be the supreme Legislature over the colonies in any case."

In the resolutions<sup>6</sup> reported on April 7, 1768, by the illustrious Bland, Chairman of the Committee of the Whole, the doctrine so boldly announced by him in 1763 that only the General Assembly could make any laws regarding its internal policy or taxation of the colony was strongly asserted. Peyton Randolph, Speaker of the House, wrote a bold circular to all the colonies and John Blair, the acting governor, transmitted the memorials to England. Upon their receipt, Lord Hillsborough, the secretary of Colonial affairs, expressed himself as greatly amazed, especially at the action of the Council and its president, who were appointed by the Crown.<sup>7</sup> The Circular of Virginia admitted the authority of Parliament to make laws for preserving a necessary dependence of the Colony on Great Britain, but the use of any words like the supremacy of Parliament were carefully avoided.<sup>8</sup>

The day after Massachusetts adopted its circular, the Board of Commissioners of the revenue, stationed at Boston, secretly sent a petition home for troops, and about the same time Governor Bernard wrote letters representing the province in a riotous condition, which was certainly not true at this time. News of the action of Massachusetts getting to England ahead of Virginia's action was enough, with these complaints and the memory of the former excesses, to induce Lord Hillsborough and his associates to make Massachusetts an example. The ministry tried to reduce her to terms, but the Massachusetts House, encouraged by the recent action of Virginia, and the further endorsement of New Hampshire, New Jersey and Connecticut, disclaimed any responsibility for or control over the action of a previous house, and by a vote of 92 to 17 refused to rescind the circular. Bernard thereupon

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<sup>6</sup>*Journal House of Burgesses, 1766-1769*, p. 154-155.

<sup>7</sup>Rowland, *George Mason*, I, 134, 135.

<sup>8</sup>The House of Burgesses consisted, at this time, of 118 members, and yet Hildreth writes: "The Massachusetts House of Representatives consisted, at this time, of upward of a hundred members, by far the most numerous assembly in America." Hildreth, *United States*, II, 543.

dissolved the House, giving notice that he would not call another.

Information was now received of the speedy approach of ships of war with two regiments of troops, and a great deal of what now must be called bluster appears to have been indulged in by Samuel Adams and the people of Boston. Threats were freely thrown out that the troops were not to be allowed to land, but when it came to formally acting, the leaders were exceedingly cautious as to how they committed themselves. Boston called a convention of the towns of Massachusetts, and in this Assembly Samuel Adams and his associates adopted a wary and loyal petition denying vigorously any intention of using forcible means. When the troops arrived they were allowed to land and quarters were assigned to them.

This surrender on the part of the Bostonians, after all their high talk, was most unfortunate. The British officers had no authority under the act of Parliament to quarter troops without the town's consent, and resistance was expected even in England. In anticipation of hostilities stocks fell on the London market, "as if war had actually been declared against France or Spain."<sup>9</sup> Emboldened by this means, the House of Lords petitioned the King in December to cause the principal actors in Massachusetts to be brought to England and tried for treason under an old law of Henry VIII, and the Commons approved the demand.

Shortly after this Lord Hillsborough sent a dispatch to Governor Bernard, directing an enquiry to be instituted in pursuance of the resolutions of Parliament, and thus a great issue was created which affected all the colonies alike, whether one of the fundamental principles of English liberty, the right of a trial by a jury of the vicinage, was to be abrogated. Granted that it was deemed no violation of this right, in the case where a jury of some town or county was so prejudiced as to render an impartial verdict impossible, to remove the case to

<sup>9</sup>Ford, *Letters of William Lee*, I, 84.

another town or county. But to drag men for trial with their witnesses across 2,000 miles of water appeared undoubtedly a great stretch of this exception in the principle. If it did not prove that a right was utterly denied, it did show up the impracticability of controlling the colonies in the way England proposed.

Again it was Virginia, as in the days of the Stamp Act, that sprang to the front and met the crisis. Frothingham says:<sup>10</sup> "There was no adequate step taken to meet the threatened aggression until the House of Burgesses of Virginia convened in May."

Since the governorship of Sir Edward Andros, (1692-1698) the executive sent from England to Virginia had enjoyed only the title of Lieutenant Governor, while some person in England who never saw Virginia, drew the larger part of the salary and called himself governor. The spirit shown by the colony produced a change. It was determined by the English ministry to flatter Virginia by sending over, in the future, a man of dignity, who should have both full honor and full pay of governor.

The man selected at this time to fill the vacancy caused by the death of Fauquier was Norborne Berkeley, Baron de Botetourt, son of John Symes Berkeley, of Stoke Gifford, County Gloucester, England, by his wife Elizabeth, daughter and coheir of Walter Norborne, of Calne, County Wilts. He was born in 1718, and in 1761 was colonel of the North Gloucestershire militia and represented the shire in Parliament. In 1764 he was raised to the peerage with the title of Baron de Botetourt, and being selected as Governor of Virginia, he sailed in a 74, taking with him a coach of state, presented to him by the Duke of Cumberland.

He landed October 22, 1768, at "Little England," on Hampton River, and the people of Williamsburg, pleased at the attentions of the British government, received him in Williamsburg the same day with almost royal honors. The city was

<sup>10</sup>Frothingham: *Rise of the Republic*, 233.

brilliantly illuminated at night, and an ode of praise and greeting to Botetourt was published in the *Virginia Gazette*.

Botetourt was an amiable and attractive man, and soon after his arrival he increased his popularity, which was already great, by concurring with the Council in the General Court in refusing to issue writs of assistance when asked for by the commissioners of the customs in Boston. These writs had been employed in Massachusetts to enforce the trade laws, and as early as 1761, their validity had been contested by James Otis. I am far from desiring to detract from Otis' merit, but history must not be sacrificed to popularity, and far too much importance has been given to his speech on that occasion. No contemporary account of it has been preserved except some "scattered notes" taken down at the time by John Adams. These savor nothing of rebellion. The excitement over the writs appears to have been confined to a few merchants in that colony, and when the Supreme Court decided the issue against Otis, the people of Massachusetts became entirely reconciled to their issuance.

The question in Massachusetts arose in connection with the enforcement of the Sugar Act of 1733, which was a trade measure, accepted as constitutional in Massachusetts itself, and not a revenue measure, like the Sugar bill of 1764. There is no evidence that the speech of James Otis was known outside of New England after he delivered it—certainly not in most of the colonies, for they had no interest in such writs, not being used in them.

The importance attributed to Otis' speech is due to John Adams, who many years later, when William Wirt wrote of his Life of Patrick Henry galvanized it into historic importance by some striking rhetoric, in which Otis was characterized as "a flame of fire," but the recollections of the venerable ex-president, in common with those of other old men, must be received with considerable caution. He states for instance that no writs issued after the trial, when according to the re-

cord they were issued most freely.<sup>11</sup> When he declares that Otis denied the authority of Parliament to legislate in any case for the Colonies, doubt ensues, because the address to the governor (probably the work of Otis himself), at the session of the Assembly the same year (1761) admits the authority absolutely.<sup>12</sup> And it is not at all likely that he would take such a stand in 1761 and a few years later denounce resistance on the Stamp Act and the Revenue Act, as "treason." Nor is it likely that the Connecticut Committee of Correspondence in 1774 would have applied to Virginia for advice on the subject of Writs of Assistance, if Otis' speech had had any great effect in New England.<sup>13</sup>

On the other hand, no general warrants of any kind had any standing in Virginia. As early as 1627 the Council of Virginia forbade the issuance of any general warrant for the arrest of persons not named in the paper,<sup>14</sup> though they did not confine the warrant to a single person, but permitted several living on the same plantation to be included by name. In 1643 it was enacted that no blank warrant shall be made or executed by any clerk or sheriff within the Colony, and specification of both name and place appears to have been the requirement of the law throughout the Colonial period. In view of this fact, the request of the Commissioners of the Revenue at Boston for a writ of the general nature of Writs of Assistance could not have been other than particularly abhorrent to the general sense of the colony. The action of Botetourt and his Council, therefore in refusing the request was highly commended.

For this reason and to witness the ceremonies of the installation of the new governor, who represented royalty in a way that had not been known in Virginia for three-quarters of a century, a large crowd was present at the opening of the Assembly May 8, 1769. The governor attended by a numerous

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<sup>11</sup>Gray in Quincy's *Reports*, 405-434.

<sup>12</sup>Hutchinson: *Massachusetts*, III, 92, appendix, 493.

<sup>13</sup>Tyler's *Quarterly Hist. and Gen. Mag.*, IV, 73.

<sup>14</sup>Tyler's *Quarterly Hist. and Gen. Mag.*, III, 352.

retinue of guards rode from the palace to the capitol in his superbly furnished state coach, drawn by six white horses. He was dressed after the fashion of the day, in a very handsome, rich costume, and his coat which was of a light red color, was heavy with gold thread tissue. He made a rather long speech to the Burgesses in the Council Chamber, enunciating very slowly and with frequent pauses, and it is said by those who had heard George III speak from the throne of England, that his lordship, on the throne of Virginia, conducted himself very much like the King.<sup>15</sup>

He considered it, he said, "a peculiar felicity" to announce his Majesty's gracious intention "that for the future his chief governors of Virginia shall reside within their government" and he assured the members that he would "try to do his duty as becomes a faithful servant of the best of sovereigns and a most sincere friend to the welfare of this colony."

These gracious remarks did not deter the Assembly from addressing itself at once to the grievances of the country. On the first day of the session (May 8, 1769), the Speaker, Peyton Randolph, submitted to it the replies which he had received from different colonies to the circular sent at the last session. On motion they were ordered to lie on the table to be perused by the members of the House, and it was further ordered that the letters which had passed between the agent of the colony and the Committee of Correspondence for the last five years and the papers they referred to be also laid before the House.

On May 15, these papers were referred to the Committee of the Whole, who considered them and made report the next day (May 16), through John Blair, Jr., the representative of the College of William and Mary, who entered the Legislature the same session (1765) as Patrick Henry. They had the ring of defiance about them, and again it was Virginia that sprang to the front. A committee consisting of John Blair, Jr., Richard Henry Lee, Patrick Henry, Robert Carter Nicholas, Thompson Mason and Benjamin Harrison was appointed

<sup>15</sup>*William and Mary College Quarterly*, XIII, 87.

to draft memorials to the King, Lords and Commons, which were reported and unanimously adopted the next day (May 17). These papers met the resolutions of Parliament by a direct negative of their own, denounced the flagrant tyranny of carrying persons beyond the sea for trial, asserted the right of a concert of the colonies, and once more maintained the ancient right of taxation. The Assembly consummated its work by a circular communicating its resolutions and asking the concurrence of every legislature in America.<sup>16</sup>

The effect was almost as great as Henry's resolutions on the Stamp Act. As Bancroft says: "Virginia set the example for the continent." Everywhere there was a rhapsody of praise, and soon the Virginia resolves were adopted by every colony on the continent, in many of them, including Massachusetts, word for word as they passed the Virginia Assembly. Thus Virginia led the way and perfected united resistance against British encroachments on the rights of persons in America as she had already done on the rights of property.

In another measure adopted at this time, the primacy of the colony was manifested. Boston had attempted a non-importation agreement, but it had not been a success, either in that city or in other places in which it had been tried. Rhode Island hesitated and was bitterly denounced in some of the Northern newspapers as a plague spot. In Virginia, Lord Botetourt dissolved the assembly as soon as he heard of their resolves, and the members immediately repairing to the Raleigh Tavern, on Duke of Gloucester Street, in Williamsburg, met in the long room called Apollo and signed an agreement drawn by George Mason and presented by George Washington not to import any slaves, wines or British manufactures. After the signing of the Association a number of toasts were drunk

<sup>16</sup>Frothingham says: "There was no adequate step taken to meet the threatened aggression until the House of Burgesses of Virginia convened in May. This colony, in opposing the administration, was co-equal with Massachusetts in guilt or merit, but while the bayonet was pointed at the one, blandishment was devised for the other—it being a cardinal object of the government to divide the colonies and thus paralyze their efforts." *The Rise of the Republic*, 233.

among which was "the Farmer and the Monitor," referring to the letters of John Dickinson and Dr. Arthur Lee.

The action of Virginia placed a continental stamp upon the policy of non-importation, and the puny child became a giant. Colony after colony, including Rhode Island, followed Virginia's example, and when it was adopted by North Carolina, it was said: "This completes the chain of Union throughout the continent for the measure of non-importation and economy."

John Dickinson, from Pennsylvania, author of the *Farmer's Letters*, in a letter to R. H. Lee, before the meeting of the Assembly, indicated the controlling position held by Virginia among the colonies: "It is as much in her power to dishearten them as to encourage them." After the assembly, "The Brave Virginians" was a popular toast throughout New England, and Frothingham says:<sup>17</sup> "Well might there have been this gratitude; for Virginia united all the colonies to make common cause with Massachusetts, when King and Parliament laid a heavy hand upon her, and the presence of an army and a fleet attested that complete submission was decreed as her lot."

The far-reaching effect was to enlist, in behalf of the colonies, the complaints of the merchants of England who dreaded the loss of trade, and the government found it necessary to give up the idea of transporting the patriots of Massachusetts, who had voted for the circular, and on April 12, 1770, Parliament repealed all the taxes except the duty on tea.

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<sup>17</sup>Frothingham, *The Rise of the Republic*, 237-238.

## CHAPTER VI

### THE REVENUE ACT—CRISES OF THE SLOOP GASPEE, AND THE BOSTON PORT BILL

The concession obtained from the ministry and from Parliament constituted a great victory, but it fell short of what the colonists had hoped for, and they did not abate their vigilance. The retention of the duty on tea was a great disappointment to Lord Botetourt. In November, 1769, he had called the Assembly together to inform the members officially of the assurances he had received not long before from the Earl of Hillsborough, the British Secretary of State for the Colonies, that it was the intention of the English government not to propose any further taxes upon the American people and to take off the duties on glass, paper and colors. In conveying to them this personal intelligence he added his own personal pledge that "he would be content to be declared infamous, if he did not to the last hour of his life, at all times and in all places and upon all occasions, exert every power, with which he was or ever should be legally invested, to obtain and maintain for the continent of America that satisfaction which he had been authorized to promise that day."

This speech the Burgesses received with much applause, and turning themselves from the old disturbing subject of the interference of Parliament, addressed themselves to the matter of the western boundary and to various important local measures, chief among which was the project of a vineyard to be managed by one, Andrew Esclave, a Frenchman; the establishment of a hospital for the insane, first recommended in 1766 by Governor Fauquier, and the erection at the joint

expense of James City County and Williamsburg of a courthouse on the Market Square in said city.

These measures were all brought to consummation. Authority was given to a committee to purchase for the vineyard not exceeding a hundred acres of land near Williamsburg, which was afterwards located to the east of the city, and north of the road leading to Yorktown, being the site of the battle of Williamsburg, in 1862. Esclave had but little success but he attributed his failure to unseasonable weather and asked the indulgence of the people, but the war of the Revolution put a stop to his labors, and in 1784 the land, with other public lands, was given by the Legislature to the College of William and Mary.

The hospital, which is still functioning, was the first of its kind in the United States, and the Court House, erected by virtue of the authority then given, still serves the purpose of the City of Williamsburg and County of James City, and has been often admired by architects of national reputation for the accuracy of its proportions.

This Assembly adjourned for the Christmas holidays on December 21, to meet again on May 21, 1770, and in the interim knowledge of the action of Parliament became known. The colonists were made acquainted with the fact that despite the alterations in the law, the ministry, of which Lord North was now the head by the retention of the tax on tea, was fixed in its purpose not to abandon the claim to impose taxes on the American colonies at their pleasure.

In Virginia people were not, therefore, satisfied with the result, and on June 10, 1770, the Assembly adopted a petition to the King stating their disappointment that "the late agreeable prospect" had not laid the foundation for harmony as they expected, and praying for the absolute repeal of all laws imposing taxes or authorizing the transportation of persons beyond the sea for trial before distant courts of Admiralty, without the formality of a jury.

As further evidence of their dissatisfaction, it was deter-

mined to enforce the non-importation agreement as strictly as possible. Now the merchants of Virginia had an organization among themselves called the "Cape Company," which held annual meetings in Williamsburg. The perverse course of the British Ministry, brought to Williamsburg on June 22, 1770, a large convention. They elected Andrew Sproule, of Norfolk, chairman, and he and his associates joined with the gentlemen of the House of Burgesses in an association against purchasing any manufactures imported from Great Britain, or any wines or any slaves from anywhere, and against using tea until the obnoxious laws of Parliament were repealed. Of the new association, Peyton Randolph was made President, and the terms of the organization provided for a committee of five persons in every county to enforce the association and the President could call a meeting of the association, at his discretion, and must do so on the request of twenty members of the body.<sup>1</sup>

It is stated that the course of the British ministry so preyed upon Lord Botetourt that he asked his recall, and not long after the adjournment of the Assembly he fell sick of bilious fever, which, aggravated by chagrin and disappointment, reached a fatal termination on October 15, 1770. His death was deeply lamented, and the funeral ceremonies were elaborate. His remains, encased in three coffins, one of them a leaden affair, heavily ornamented with silver, were deposited, according to his request, under the floor of the Chapel of William and Mary College. During the war for Southern Independence the vaults were broken open by vandals of the Federal Army in their search for treasure. Only the leaden coffin was found intact, and the lid of this was ripped open and the skeleton exposed. The silver plate with Botetourt's name and death upon it was carried north, and in 1890 returned to the President of the College, through Fitzhugh Lee, the Governor of Virginia, by an Albany jeweler, to whom it had been sold by a woman, who was described as the "widow of a private Brown."

<sup>1</sup>*Journal House of Burgesses, 1770-1772 (xxx1).*

The General Assembly voted a large sum of money to erect a statue to Botetourt's memory, and this statue, made in London in 1773 by Richard Haywood, is now, after various vicissitudes, standing in front of the College of William and Mary, in a rather shattered condition.

After Botetourt's death, the executive authority for the third time devolved on John Blair, President of the Council, who resigned because of ill health and old age, and thereupon William Nelson succeeded him as President of the Council.

His father, Thomas Nelson, came from the north of England, about 1690, and settled at Yorktown in 1705, where he became the leading merchant and acquired a great fortune. Thomas Nelson, a son, became Secretary of State of the Colony, and William Nelson, another son, inherited much of his father's wealth, which he largely increased by his extensive business at Yorktown. He became a member of the Council of State in 1745 and served as such until his death at Yorktown, November 19, 1772. In his politics he was a conservative, and, while strongly opposed to taxation by parliament, he did not approve what he deemed the hasty action of Patrick Henry and the other progressives. During his administration, which lasted about a year, quiet prevailed in Virginia as elsewhere, disturbed only by the great freshet, which flooded the rivers in the eastern part of the colony, and by an agitation started by some zealous churchmen in the Middle States for an American Episcopacy.

America was in the see of the Bishop of London, but New York and New Jersey were dissatisfied and deputed the Rev. Dr. Cooper, President of Kings College, and Rev. Mr. McKean, deputies to visit the south in regard to petitioning the King for an American bishop. At their urgent solicitations James Horrocks, President of William and Mary College and Commissary to the Bishop of London, called a convocation of the clergy. Twelve ministers, out of about 100, in pursuance of the call, met at the College June 4, 1771, and adopted a reso-

lution by a small majority to join in the petition. John Camm, Professor of Divinity, was the chief agitator, and he was warmly opposed by Rev. Samuel Henley, and Rev. Thomas Gwatkin, the two professors of philosophy in the College, and by two clergymen among the generality, Rev. Richard Hewitt and Rev. William Bland. Formal protests were published in the *Gazette* by the four protesters against the legality as well as the regularity of the proceedings. This brought on a severe paper war. Mr. Camm appeared in the newspaper as the advocate of a bishop, and Mr. Henley and Mr. Gwatkin against a bishop. This newspaper war continued with much violence and personal abuse till the meeting of the Assembly in July, 1771. Horrocks went to England that summer on the plea of ill health, which his death not long after proved well founded, though he was suspected of embarking for the purpose of having himself appointed as "the First Right Reverend Father of the American Church."

The movement for a bishop created a great stir not in Virginia only, but in all the other parts of America as well. In Virginia it was looked upon as a scheme to deprive the vestrymen of the powers which they wielded over the appointment and control of their clergymen, and to strengthen the general plan of English authority. So the Assembly at its session beginning July 11, 1771, very promptly put a quietus on the movement by extending its thanks through Richard Henry Lee and Richard Bland to Messrs. Henley and Gwatkin for "their wise and well-timed opposition."

Among the advocates of the scheme was the Rev. Jonathan Boucher, who held the opinion that the refusal of Virginia to consent to a bishop was to "unchurch the church." But as a matter of fact the opposition of the majority of the clergymen in Virginia was not so much to a bishop, for a hierarchy was a part of their tenets, as to a too intimate connection with the English system, interfering like the Stamp Act, with the personal rights of the citizens. In New England the proposi-

tion was severely condemned, but that was to be expected from the religious views of those people.

This scheme of creating a bishop had been entertained more than a hundred years before, and Dean Swift at one time cherished hopes of the office, with power, as it is said, to ordain deacons and priests for all the colonies, and parcel them out into deaneries, parishes, etc., and to recommend and present thereto.

Notwithstanding the dissatisfaction with the act of Parliament modifying the Revenue Act, the flame of rebellion burned very low during the next two years. In the interval quiet prevailed in all the colonies except in Massachusetts, where the mob, by assaulting some British troops stationed in Boston, had created a temporary excitement on the very day, March 5, 1770, on which Lord North moved the repeal of the duties on glass, lead and paper. One of the soldiers was knocked down and another was hit with a club. Either with orders, or without them, six or seven shots were fired by soldiers in the street or by persons from the windows of the Custom House just above them. Four citizens were killed and others were wounded. Bernard had now returned to England, and in his absence Hutchinson, who was lieutenant governor as well as chief justice, was acting governor. He handed over the soldiers accused to be tried by a Boston jury and ordered the rest of the troops to be moved from the town to Castle William, in Boston Harbour. Some of the ablest lawyers in Massachusetts, including John Adams, volunteered for the defence of those under arrest, and as it was impossible to prove that any order to fire had been given, the officer who had commanded the guards was discharged. Two of the privates were convicted of manslaughter, and claiming benefit of clergy, were burnt in the hand and dismissed. The affair seems to have been nothing more than a scrap between the mob and the soldiers in which the former, who began the row, got the worst of it, but it soon acquired the name of the "Boston Mas-

sacre," and has figured as a great event, ever since Americans, chiefly New Englanders, began writing American history.<sup>2</sup>

At any rate after the removal of the troops the people in Massachusetts went about their business very much as they did elsewhere, "and it seemed for a time that at last the behests of Parliament would be obeyed, and the duties levied at the Custom House be paid." The efforts for non-importation did not prove satisfactory. In the very nature of the case it was difficult to make such a system complete. The merchants of Massachusetts, Rhode Island and Pennsylvania widely evaded the agreement. "More tea," says Hutchinson, "was imported legally into Massachusetts than into all the other colonies."<sup>3</sup> In June, 1770, New York broke down and announced her intention to confine the inhibition to tea alone. Her example was demoralizing, and on December 9, 1770, William Nelson wrote "the spirit of association which hath prevailed in this colony for some time past, seems to me, from the defection of the Northern provinces, to be cooling every day," and no general bonds remained to hold the colonies together.

In the fall of the year 1771 arrived in Williamsburg as governor-in-chief of Virginia, John Murray, Earl of Dunmore, a Scotch nobleman and peer of the realm. He was born in 1732; was descended in the female line from the royal house of Stuart; succeeded to the peerage in 1765; appointed governor of New York in January, 1770, and of Virginia in July, 1771. This gentleman has been severely criticised by the Virginians,

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<sup>2</sup>The leader of the mob, in 1770, was Crispus Attucks, a half Indian and half negro, who was killed by the British soldiers. And yet in spite of his having really disgraced the cause which he assumed to represent, the Massachusetts Legislature, in 1887, erected a monument to him and his fellow rioters against the protest of both the Massachusetts and New England Historical Societies, who declared the shooting to be the result of a brutal and revengeful attack upon the soldiers. History is full of such morbid perversions of human sympathy. The cause of anti-slavery has been disgraced by the effort to canonize John Brown, an outlaw and murderer.

<sup>3</sup>Hutchinson, *History of Massachusetts Bay*, III, 351. In the *Virginia Gazette* for October, 1773, is a statement of the number of chests of tea on which the duty was paid in Massachusetts in 1769, 1700, 1771, 1772 and 1773 to October 23.

but his friends warmly attested his kindness and generosity. The conditions would have made it very difficult for him under any circumstances to have escaped some measure of blame, and he has evidently been blamed in some cases without any just reason and merely from suspicions or prejudice.

Certainly his first expressions, on the meeting of the Assembly February 10, 1772, were very sensible and suggestive. In this speech he assured the Assembly that they might depend on his "zealous co-operation" in "directing the skill and invigorating the industry of the people, in regulating and encouraging agriculture, in opening new sources of wealth and promoting the dependence of the colony and Mother Country on one another." In this speech it will be noticed that he was perhaps the first royal governor to state that "dependence" was not that simply of Virginia on England but England on Virginia. His next step was to surrender a list of fees for commissions to county officers, inspectors of tobacco, presentations to a parish and other offices, exacted by his predecessors without any authority of law, and for this act he was cordially thanked by the Virginia Assembly.

Pursuant to his message various enterprises were undertaken by the Legislature, such as improving the navigation of the Potomac; clearing Mattapony River; circumventing the falls of James River by a canal from Westham to a point below Richmond; and a canal from Archer's Hope Creek to Queen Creek, through Williamsburg, connecting James River with York River; requiring gates to be furnished in mill dams for the passage of fish; opening roads and repairing others already opened. Seldom before in the history of the colony had such improvements been suggested, much less received a serious consideration, and this first legislation under Dunmore marks really the beginning of the first industrial era in the history of Virginia. To one measure, however, desired by the House, he did not give his countenance, and this was the proposed removal of the capital from Williamsburg to another part of the state. In this opposition he had, however, the sup-

port of his Council, which had defeated a similar proposition approved by the House at the time of the burning of the capitol in 1746.

In the meantime, over in England, while Parliamentary interference did not go further, the King, by instructions, which offended the popular sentiment in America, raised issues in nearly every colony. A set of instructions was not framed to apply to all the colonies alike, but special instructions were sent to each colony as local circumstances dictated. "Hence, the patriots could not create a general issue upon them."<sup>4</sup>

Out of an order which restrained the governors of the colonies from assenting to any restriction of the slave trade sprang the noble petition to the King of the Virginia Legislature in February, 1772, in which they spoke of the importation of slaves as a trade of "great inhumanity" and "one calculated to endanger the very existence of your majesty's American dominions." This petition, which is at once pathetic and prophetic in its appeal, was one of the measures to check the slave trade. Again and again the Assembly had passed laws restraining the importation of negroes from abroad, but these laws had been disallowed by the King of England.

Similarly, a grievance existed in Massachusetts because of royal orders which made the salaries of Governor Hutchinson, the judges, and subordinate officers of the courts, payable out of the imperial treasury. Such a mode of payment tended to make these officers wholly independent of the local conditions and bound them to England. Samuel Adams took advantage of the quarrel, during the latter part of 1772, to organize an opposition through committees of correspondence in the Massachusetts towns. He seemed to have intended spreading his committees, if possible, to towns outside of the province and indeed to making them national. But the plan did not succeed, and after four months it had not been adopted in any other State—"not one town outside of Massachusetts, I think, choosing a committee of correspondence."<sup>5</sup>

<sup>4</sup>Frothingham, *Rise of the Republic*, 252.

<sup>5</sup>Frothingham, *Rise of the Republic*, 281.

Indeed, the issue on the royal instructions, as applied to the salaries of officials, by Adams, was too essentially local to meet the requirements. Lord Dartmouth supplied the want in a fresh royal instruction, dated September 4, 1772, but not made public until four months later.

This time the scene of the Revolutionary occasion was in Rhode Island, the smallest of the colonies, not Massachusetts. Incensed by the vigorous manner in which the British sloop *Gaspée* was enforcing the navigation act, a party of disguised men in June, 1772, boarded the vessel while accidentally stranded, wounded the captain, and destroyed the vessel by fire. The affair deserved punishment, but the exasperated ministry went too far. Lord Dartmouth sent an order under the sign manual of the King, creating a commission to enquire into the circumstances. It was instructed that the offence of the men concerned in the attack on the *Gaspée* was high treason, and was directed to arrest the parties charged with the crime and to send them to England for trial. This measure raised again the question of the fundamental right of the trial by jury. In the presence of this great national issue, Rhode Island acted very tamely, and its assembly would issue no circular calling for aid and left the chief justice, Stephen Hopkins, who asked their advice, to his own **discretion**.

The issue was once more met by Virginia, and all America was roused by the call. The House of Burgesses met on March 4, 1773, when the Rhode Island court of enquiry received their attention. The lead was now taken from the older members Peyton Randolph, George Wythe, Richard Bland and Robert Carter Nicholas by a caucus of whom Patrick Henry was the chief, and numbered also Richard Henry Lee, Thomas Jefferson, George Mason, Francis Lightfoot Lee, and Dabney Carr. Their remedy was a system of intercolonial committees. Jefferson, who probably drew the paper, was requested to present it to the assembly, but he desired that that honor should be accorded his brother-in-law, Dabney Carr. Patrick Henry and Richard Henry Lee made impressive

speeches, and on March 12, 1773, the resolutions were unanimously adopted. Eleven members were appointed a committee of correspondence to communicate with the other colonies. Lord Dunmore was now governor in the place of Botetourt, deceased, and on March 15, he dissolved the House. The following day the committee of correspondence agreed upon a circular which the speaker, Peyton Randolph, was directed to send to the other colonies.

This action of Virginia was statesmanlike and proved an inspiration. The supineness of Rhode Island, the neighbor of Massachusetts, had provoked Nathanael Greene, the future general, into saying that its Assembly had lost its ancient public virtue. But it now applauded the example of Virginia, and chose a corresponding committee. Five of the other colonies also accepted the proposals and returned their warm and earnest thanks. Their resolutions setting forth the object of the committees were generally a transcript of those of Virginia, and were sent to the Assemblies in a circular letter usually signed by the Speaker. "Heaven itself," says one New England writer, "seemed to have dictated to the noble Virginians." The intercolonial committees "struck a greater panic in the ministers," wrote William Lee from London, "than anything that had taken place since the passage of the Stamp Act." The British ministry, in fact, saw in it for the first time a real union of American interests, and regarded it as the sure precursor of a continental congress.

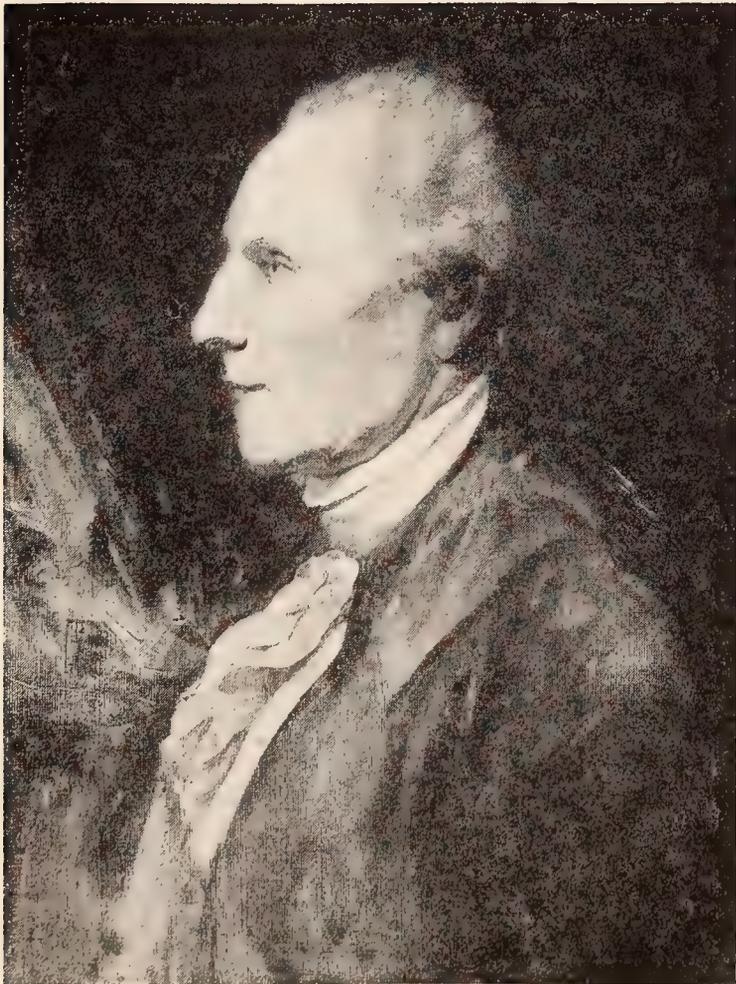
The effect on the court of enquiry was demoralizing. The members vacillated, and were afraid to call for military force. The commission held a final session in June, 1774, when they agreed upon an elaborate report, in which they conceded that the commander of the *Gaspée*, in detaining vessels indiscriminately, exceeded the bounds of his duty. The commission then adjourned. "The design of transporting Americans to England was given up. This was the close of the issue of Royal instructions."<sup>6</sup>

<sup>6</sup>Frothingham, *Rise of the Republic*, 286.

Some Massachusetts writers claim that these international committees of correspondence sprang from the town committees of Massachusetts, but the claim is without foundation. The subject has been thoroughly examined by James Miller Leake in his "The Virginia Committee System and the American Revolution," one of the Johns Hopkins University studies. Preliminary to a union of the colonies there was the necessity of a unity of sentiment in each province itself. Virginia was the most united in public sentiment of all the colonies, but in Massachusetts there was much division in the towns, even in Boston itself, and local committees of correspondence were therefore needed to make unity there.

The Virginia intercolonial committee of correspondence appears to have developed out of a "committee of correspondence" appointed in 1758 by the General Assembly to deal with an agent in London in regard to all public matters arising there. This committee was sometimes required to discharge other public functions, such as to reply to the Massachusetts circular on the Sugar Bill in 1764. Both this committee and the intercolonial committee were standing committees of the Legislature. Each possessed the power to exercise its proper function in the recess between the sessions of the Legislature. The proceedings of each had to be laid before the body by which it was appointed and to which it was amenable. In function and manner of appointment they bore a close resemblance to one another. The Virginia intercolonial committee was appointed by its Assembly, while in Massachusetts the Assembly had nothing to say about Sam Adams' local committees, which were appointed by the towns. The task of the Virginia committee was infinitely a more difficult one and a more important one than that of the local committees in Massachusetts. It was to secure united action among disjointed colonies, which really constituted two separate nationalities, and which only an extreme sense of mutual oppression could even temporarily drive together.

Among the first to recognize this true method of uniting



RICHARD HENRY LEE

the colonies was Richard Henry Lee. As early as 1768 in a letter to John Dickinson, he declared that "to understand each other and timely to be informed of what occurs, both here and in Great Britain, it would seem that not only select committees should be appointed by all the colonies but that a private correspondence should be conducted between the lovers of liberty in every province." His brother, Dr. Arthur Lee, than whom very few performed a greater part in stirring up opposition to England, wrote from London to Samuel Adams January 10, 1771, suggesting as a means to counteract the breaking down at that time of the non-importation associations, which had destroyed confidence in England of any successful opposition, "the establishment of a correspondence among the leading men of each province that you might harmonize in any future measure for the general good in the several Assemblies. Unanimity among yourselves will render you formidable and respected here."

Whether Samuel Adams was guided in his actions by Lee or not, the necessity of unification of the towns of Massachusetts appears as a corollary to Lee's suggestion uttered to Samuel Adams a year or more before.

#### CRISIS OF THE BOSTON PORT BILL

Succeeding this interesting episode of the sloop *Gaspée*, the English ministry, despairing of accomplishing their purpose by frowns and threats, determined to try to enforce the revenue act by appealing to the cupidity of the colonies. They persuaded Parliament to take off the duties imposed in England on tea and allow the three pence collectible in America only to stand, supposing that the Americans would not decline to buy tea at the cheap price possible. After the proposal became a law, the East India Company, having large supplies stored in their warehouses in England, began to ship cargoes of tea to Charleston, New York, Philadelphia and Boston. Hutchinson says that the association against tea had been

so thoroughly abandoned in Boston, "even by some of the great friends to liberty," that "the first news failed to arouse any alarm, and the patriots were excited to action by friends in England."

Among those who were instrumental in this particular, Dr. Arthur Lee again proved his usefulness. In a letter to Samuel Adams, dated October 13, 1773, he informed him of the proposed law, and dwelt at large upon its dangers. He declared that the introductions of the tea *ought to be opposed*. "The commodity may under this maneuver come cheaper to the consumer, but whatever touches our liberties should under every temptation be avoided. Besides, when once they have fixed the trade upon us they will find ways enough to enhance the price."

Doubtless Lee in giving this advice to Samuel Adams had orderly action in view, and Adams was prominent in meetings at Faneuil Hall to prevent the landing of the tea, but there is no evidence of his advising a resort to violence.

But once more the influences at Boston to which I have hitherto alluded made Massachusetts the occasion of the Revolutionary movement. In Charleston, New York and Philadelphia, the consignees, being without any support, declined to receive the tea and resigned; but in Boston, where Thomas Hutchinson had succeeded Francis Bernard as governor, the Tory and military influences were so strong that the consignees—two of whom were Hutchinson's sons, were tempted to hold on. Then the mob materialized again, and on the night of December 16, 1773, a band of men disguised as Indians boarded the vessel, cut open the tea chests and threw the entire cargo overboard, valued at £15,000.

It has never been ascertained who constituted this marauding party, and it is impossible to suppose that any man of note had any part in it, else concealment to this time would have been improbable. Howard believes<sup>8</sup> that Samuel Adams was

<sup>7</sup>Hutchinson, *History of Massachusetts Bay*, III, 422, 423.

<sup>8</sup>Howard, *Preliminaries of the American Revolution*, 271.

in the secret and probably the instigator, but he does not think that this lawless destruction of private property "can be justly looked upon as an honor to his memory." But more than that this disguise looks cowardly, and Adams, standing by out of danger himself, and urging them on, appears even more cowardly than the actors. The brutal outrage perpetrated on Captain Smith in Norfolk during the Stamp Act had at least the element of openness about it. The South Carolinians in refusing to buy the tea shipped to Charleston till it all rotted in the warehouses presented a more honorable and patriotic aspect than the actors in the "Tea Party" in Boston.

But the English government hastened to put itself in the wrong, though the action of the rioters was disavowed by decent people in Boston. The provocation to extreme action was undoubtedly great and no one at this time can blame England for feeling indignant. But the remedy adopted went far beyond the necessities of the case and evoked sympathy in the other colonies. It did more, it emblazoned in history as particularly worthy an act which on cool consideration has not as good standing as lynching negroes in the South in our day for unmentionable crimes.

The English government, stimulated by Governor Hutchinson, breathed of nothing but threats of execution and transportation beyond the seas, and Boston was made to suffer for the deeds of irresponsible persons. Boston was condemned, and Parliament passed bills to shut up the port and to abrogate the charter of Massachusetts in some essential particulars.

Boston's remedy was found in an appeal put forward by her town meeting to the people of the colonies to join her in a total cessation of commerce with Great Britain. But the invitation was received at first very coldly in the northern section where New York and Philadelphia were in no hurry to take action. Fortunately, "Warmer hearts," writes Bancroft, "beat below Mason's and Dixon's line."

In April, 1774, arrived in Williamsburg Lady Dunmore and her children, George, Lord Fincastle, the Honorables

Alexander and John Murray, and the Ladies Catherine, Augusta and Susan Murray. They were welcomed with an illumination of the city, and the three young noblemen were put to school at the college. The late measure of Parliament was as yet unknown in Virginia, and the feeling of loyalty still predominated with all classes.

When the assembly met in May, 1774, Williamsburg presented a scene of unwonted gaiety, and a court herald published a code of etiquette for the regulation of the society of the little metropolis. There were balls, dancing, assemblies, theatricals, and a large concourse of people from the country. George Washington arrived and dined with Lord Dunmore.

The scene, however, changed as soon as the news of the act of Parliament with reference to the closing of the port of Boston reached the city. Patrick Henry, Thomas Jefferson, R. H. Lee, Francis Lightfoot Lee, and three or four other gentlemen of the Progressive Party drew up a resolution, which they persuaded Robert Carter Nicholas of the conservative element to offer, denouncing the action of the British government and setting apart the first day of June on which the port bill was to commence, for a day of fasting, humiliation and prayer throughout the colony. These resolves were printed in the *Virginia Gazette* of May 26, and on seeing them Lord Dunmore ordered the house immediately that day to come upstairs to the council chamber, where he addressed them in the following language: "Mr. Speaker, and gentlemen of the House of Burgesses, I have in my hand a paper published by order of your house, conceived in such terms as to reflect highly upon his majesty and the parliament of Great Britain, which makes it necessary for me to dissolve you, and you are dissolved accordingly."

The members, thereupon, left the capitol, and next day (May 27) gathered in the Apollo Hall at the Raleigh Tavern, and with Peyton Randolph, their late speaker in the chair, completed the work which they had intended by voting that the attack on Massachusetts was an attack on all the colonies, to be

opposed by the united wisdom of all, that a Congress should be annually held, that as a punishment to the East India Company, no East India commodity, hereafter, should be imported, and that, if the unconstitutional principle of taxing the colonies should be persisted in, commercial intercourse with Great Britain should be altogether suspended.

Two days later, on May 29, letters from the North arriving by way of Philadelphia and Annapolis, with information of the desire of Boston for immediate non-intercourse, the twenty-five members still remaining in town called a convention of the people to meet on August 1.

By the proceedings thus described, Virginia maintained herself at the front of the Revolutionary movement. It was the glory of Virginia that she was not only the first colony in America to identify herself with Boston, but the first to call a Congress of the colonies. For although unknown to our patriots in Williamsburg, the suggestion of a Congress was made in advance during the same month of May by the committee of correspondence in New York, and a town meeting in Providence, these were mere local affairs without any general authority.<sup>9</sup> The action at Williamsburg, on the other hand, was that of an organized, legislative body, presided over by a speaker, and presuming to declare officially for a whole colony. The Virginia Burgesses took the lead in calling not only a Congress, but an annual Congress of the colonies involving a permanent union, first started by the institution of the inter-colonial committees of correspondence. On June 3, Connecticut adopted a call for Congress, but the action of Virginia was decisive, and the assembly of Rhode Island followed her lead on June 15, Massachusetts on June 17, Pennsylvania on July 22, till all had fallen in line. The colonies which had not acted now appointed their committees of correspondence, and the local committees, which had not crossed the border of Massachusetts, now under the stimulating influence of Virginia's

<sup>9</sup>The Philadelphia committee did not know whether to recommend a Congress or non-intercourse.

action, spread from town to town and county to county, through all the colonies.

The position of Virginia, as leader of the colonies, at this critical juncture of their affairs, is abundantly attested by the literature of the day. The Philadelphia Committee of Correspondence wrote June 3, (1774): "All America look up to Virginia to take the lead on the present occasion." The Delaware committee wrote, May 26, that because of the "high opinion of the zeal and firmness of those of your colony in the common cause of America, we are persuaded that their resolutions, at this important crisis, will have great weight here." The Connecticut committee June 13, praised "the wise, spirited, and seasonable proceedings of your truly patriotic House of Burgesses, in early proposing a correspondence between and union of the colonies and the manly, pious and humane attention more lately manifested to the distresses of the town of Boston." Perhaps stronger evidence still is to be found in a letter dated July 6, 1774, to Governor Dunmore from Lord Dartmouth, who had succeeded Lord Hillsborough as Secretary of State in management of the colonies. Lord Dartmouth wrote: "There was reason to hope from appearances in the other colonies that the extravagant proposition of the people of Boston would have been everywhere disregarded. But it now may well be doubted whether the extraordinary conduct of the Burgesses of Virginia, both before and after their dissolution as a House, may not become (as it has already become in other instances) an example to the other colonies."

On August 3, 1774, Dartmouth wrote again to Lord Dunmore: "The proceedings of the Burgesses of Virginia do not encourage me to hope for a speedy issue to the present discussion, and we have seen too much of the prevalence of the example they have set the other colonies, not to be greatly alarmed at what may be the result of the unconstitutional meeting (Congress) they are endeavoring to promote."

To Patrick Henry, who led the people in Virginia, George Mason, whose ability to judge cannot be questioned, referred



GEORGE MASON

at this time, "as by far the most powerful speaker he had ever heard," and "as the first man on the continent as well in ability as public virtues."

In the interval between the dissolution of the General Assembly and the meeting of the convention on August 1, 1774, the Freeholders of every county in Virginia held meetings and adopted patriotic resolutions, pledging provisions for Boston, asserting the rights of the colonies, and endorsing the strictest non-intercourse with Great Britain. There were some, indeed, who thought the policy of non-intercourse on the one hand too tame as a means of resistance to government, and on the other too harsh in its application to the Virginia creditors in England, and wanted the ground to be taken at once that no attention whatever should be paid to the tea act or any other act of Parliament infringing on colonial rights. The champion advocate of this policy was Thomson Mason, of Stafford, brother of George Mason, who set out his views in six able articles published in the *Virginia Gazette*, under the title of "A British American."

The convention duly met, appointed a delegation to the Congress, and adopted an extensive system of non-intercourse, and all signed the paper except Thomson Mason, who refused for the reasons stated above.

And yet nothing, indeed, could testify more for the elevated principles of the Virginians than their action at this time. Not only did they by non-intercourse voluntarily invite the hardships of the Boston Port Bill to their own firesides, but the policy thus adopted was more hurtful to their interests than to the interests of the people of England, and far more than to the interests of the four colonies of New England, as by their home industries the latter was much less dependent on the mother country, and their exports and imports did not amount to half the exports and imports of Virginia and Maryland.<sup>10</sup>

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<sup>10</sup>Exports and imports of New England for the year 1770 amounted to £2,408,530, while the exports and imports of Virginia and Maryland amounted to £5,118,753. Hildreth, *History of the United States*, II, 559.

Among the members of the convention was George Washington, who united a great moral and intellectual power with an imposing physical appearance. It is said of him that he was a man of strong emotions kept in check by perfect self-control. It is probable that his apprehension of his own natural vehemence made him as a rule silent in deliberative bodies. History tells of two occasions when his habitual self control gave way and his emotions swept in a mighty tumult over every obstacle. One was at Monmouth when he was provoked beyond endurance at the pusillanimous conduct of General Charles Lee. The other, it seems, was in this convention when the modest, taciturn officer rose in the might of his strength and blazed in the glory of oratory. Thomas Lynch, of South Carolina, told John Adams that "Colonel Washington made the most eloquent speech at the Virginia Convention that ever was made. Said he, 'I will raise one thousand men, subsist them at my own expense, and march myself at their head for the relief of Boston.'"<sup>11</sup>

Mr. Jefferson, the young member for Albemarle, was the draftsman of instructions for the delegates, which were deemed too bold as a first measure. They assumed, though with a spirit more decided, the extreme ground taken by Bland, in 1766, that the colonies were independent in all respects of Parliament, and summed up with trenchant pen that easily gave him the first place among American writers the rights and wrongs of the continent. Another set of instructions, probably drawn by Mr. Henry, falling short of the position adopted by Mr. Jefferson, was preferred, but Mr. Jefferson's paper was "read generally by the members, and approved by many, and by the convention printed in pamphlet form under the title of 'A Summary View of the Rights of British America.'" This magnificent pamphlet passed through various

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<sup>11</sup>Diary of John Adams, *Works*, II, 360. On John Adams' journey to Philadelphia to attend the first Continental Congress, he stopped in New York, "went to the Coffee House, and saw the Virginia paper; the spirit of the people is prodigious; their resolutions are really grand." *Ibid.*, II, 352.

editions, both here and in England, and furnished to a large extent, if not the topics, the *phrases*, of the American Revolution. Indeed, it contained every idea of the Declaration of Independence adopted two years later, except the explicit statement of separation.

In the great Congress of the States, which assembled at Philadelphia on September 5, 1774, Virginia shone resplendent in the constellation which composed her delegation. The delegates elected to Congress were Peyton Randolph, Speaker of the House of Burgesses, and President of the Virginia Convention, Richard Henry Lee, George Washington, Patrick Henry, Richard Bland, Benjamin Harrison and Edmund Pendleton. Joseph Reed, president of the Pennsylvania convention of 1775, has left this record of the prevailing impression:<sup>12</sup> "We are so taken up with the Congress that we hardly think of talking of anything else. About fifty have come to town and more are expected. There are some fine fellows come from Virginia, but they are very high. The Bostonians are mere milk-sops to them. We understand that they are the capital men of the colony, both in fortune and understanding."

The pre-eminence of Virginia was promptly recognized by the election of Peyton Randolph, chairman of her delegation as president, and the appointment of his colleagues on all the important committees. Patrick Henry made the great opening speech, and he and Richard Henry Lee took the palm as orators.<sup>13</sup> Richard Henry Lee drafted the memorial to the "inhabitants of the British colonies," and Patrick Henry drew up an address to the King, but its sentiments proving too strong for the conciliatory attitude of Congress, a rather tame substitute, prepared by John Dickinson, of Pennsylvania, was preferred. Col. Washington did not write State

<sup>12</sup>Reed, *Life and Correspondence of Joseph Reed*, I, 75.

<sup>13</sup>At the beginning of the session of Congress, in 1774, John Adams was told that "the Virginians speak in raptures about Richard Henry Lee and Patrick Henry, one as the Cicero and the other the Demosthenes of the age." *Works*, II, 357. Towards the end of the session he wrote: "Lee, Henry and Hooper are the orators." *Ibid.*, II, 396.

papers or speak in the open, but his influence among the members must have been prodigious. When returned to his home, Patrick Henry was asked by a neighbor who he thought was the greatest man in Congress, and he answered: "Col. Washington, who has no pretensions to eloquence, is a man of more solid judgment and information than any man on that floor." His speech in the convention proved, however, that Washington could be an orator, when the occasion was great enough, and he let himself out.

At this meeting, Congress in defining the attitude of America, abandoned the Otis doctrine of the supremacy of Parliament and placed itself squarely upon the Virginia platform. An article drawn by John Adams claimed for the colonies the exclusive power of Legislation "in all cases of taxation and internal policy," but consented to the operation of such acts of the British Parliament, as were *bona fide* restrained to the regulation of trade. In strict conformity with a petition of the Massachusetts Legislature in 1773,<sup>14</sup> the retrospect of grievance was only carried back to 1763, and all the acts of Parliament passed since that time were pronounced inadmissible. To give effect to this attitude, they adopted, in all essential particulars, the plan of non-intercourse proposed by the Virginia convention and recommended the appointment of a committee in every county, city and town in America to carry it out.

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<sup>14</sup>Lecky, *England in the Eighteenth Century*, III, 426.

## CHAPTER VII

### THE REVENUE ACT—CRISIS OF INDEPENDENCE

Congress adjourned to meet on May 10, 1775, and in the interval the different colonies were active in enforcing the association and preparing for defense. Undoubtedly, the most prominent figure in America at this time was Patrick Henry, and in March, 1775, at the second Virginia convention in Richmond, he made that speech for "Liberty or Death," which stamped him as among the greatest orators of all ages. On this occasion, R. H. Lee and General Thomas Nelson also spoke eloquently, and Jefferson was not silent. "He argued closely, profoundly and warmly on the same side."<sup>1</sup>

Henry's bill was opposed by Robert Carter Nicholas, who regarded the proposed action as premature, but was so far from the Tory policy that after the measure was carried over his vote, he came forward with a proposition that went beyond Henry's for raising 10,000 regulars to be enlisted for the war. If this measure had been successful, the military progress would have been greatly enhanced. Short enlistments were the bane of the Revolution.

March 28, Dunmore issued a proclamation requiring all civil officers to do their utmost to prevent the appointments of deputies for Virginia to the next Continental Congress. This proclamation, however, had no other effect than to irritate the colonists and weaken the influence of the government.

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<sup>1</sup>Edmund Randolph, *History of Virginia*, MSS. The idea that Mr. Jefferson was no speaker is not sustained by this paragraph, nor by another from the same history and which is as follows: "Indefatigable and methodical Jefferson spoke with ease, perspicuity and elegance." See the full extract in *Willam and Mary College Quarterly*, XIX, 62.

In order to counteract the effects of the American Association, Parliament, about the same time, passed bills cutting off the trade with foreign markets of all the colonies, except New York, North Carolina and Georgia, whose assemblies had not adopted the plan. All petitions and addresses from every source—from Congress, the colonies, the merchants of England and the city of London, were rejected. William Lee<sup>2</sup> wrote from London on April 3, 1775, that the contest “must now come to a final decision, and in my opinion, it will end in an absolute independence of the colonists.” On May 15, he wrote:<sup>3</sup> “The eyes of all Europe are upon America, and the ministers attend much to the motions in Virginia, for they think *you will fight*; which they have been taught to think the New England people will not do.” Doubtless this opinion of the New Englanders went back to the year 1768, when the Bostonians, after a great deal of bluster and with an act of Parliament in their favor, permitted the troops to land and be quartered in the town. They had not resisted then, and “the King and his friends, as they are called, think there will be no resistance now.”

But the King was mistaken. On April 19, 1775, came the first shedding of blood at Lexington. This created no new condition, but only intensified those which existed. The difference was only one of degree in violence, and sturdy blows now took the place of parliamentary acts and colonial boycotts. Whatever the situation created by the conflict at Lexington, the British deserve the blame or credit of it, for they were the aggressors.

Almost contemporaneous with the affair at Lexington was an incident in Virginia which has often been characterized as the beginning of the Revolution in that colony. The magazine in Williamsburg contained twenty barrels of powder and a considerable number of guns, and Lord Dunmore became apprehensive that its contents would be seized to arm the militia.

<sup>2</sup>Ford, *Letters of William Lee*, I, 153, 154.

<sup>3</sup>*Ibid.*, I, 157.

The people of the town and the city volunteers under Captain James Innis,<sup>4</sup> usher of the grammar school at the college, patrolled the streets, and kept a pretty strong guard. But at length they grew a little negligent, and before daybreak, on Thursday, April 20, Captain Henry Collins, with the assistance of some marines and sailors, who had been concealed at the palace, secretly carried off in his lordship's little wagon, all the powder it would conveniently carry—about sixteen and a half barrels—to the *Magdalene* armed schooner, stationed under his command at Burwell's Ferry on James River, about six miles from Williamsburg. It was carried down to the *Fowey* man-of-war of 24 guns (commanded by Captain Montague), who received it and sailed with it around to Yorktown.

When intelligence of this event was noised in Williamsburg, there was great excitement, and the militia rushed to arms and could, with difficulty, be restrained by Peyton Randolph, the speaker, and Robert Carter Nicholas, the treasurer, from rushing to the palace and seizing the person of the governor. The common hall assembled, drew up an address, and waited upon the governor in a body. Their address was presented to him by Peyton Randolph, the recorder of the city, and contained a hot remonstrance against his ill-advised action. To this Dunmore returned a verbal answer, excusing his conduct by a reported insurrection of slaves in Surry County, and pledging his honor that, whenever the powder was needed, it should be forthcoming. This reply, though not satisfactory, quieted the citizens, and was regarded as a promise to return the powder shortly.

The news of the removal of the powder spread in a very short time throughout the colony, and soon more than six hundred cavalry assembled at Fredericksburg, but before marching to Williamsburg, they sent thither Mann Page, Jr., to enquire whether the gun powder had been replaced in the magazine. He arrived in Williamsburg on the morning of April 27, after a ride of twenty-four hours, and left in the

<sup>4</sup>Afterwards Attorney-General of Virginia.

evening with a letter from Peyton Randolph, in behalf of the corporation, advising against any violent proceedings. Next day Mr. Randolph set out for the congress, and reached the house of Edmund Pendleton in Caroline County, from which, on Saturday, the 29th, he joined with his host in sending a second letter of similar import to Fredericksburg. The same advice was given by Washington in a letter to James Mercer, with the result that, after a long and animated discussion, the committee of 102 deputies, appointed by the troops, consented, by a majority of one only, not to go to Williamsburg. When Dunmore heard of this assembling of troops, he grew very wrathful and sent word to the mayor of Williamsburg, Dr. William Pasteur,<sup>5</sup> "that, if any injury was offered to himself or the officers who acted under his directions, he would proclaim liberty to the slaves and reduce Williamsburg to ashes."

On May 2, the council met at the palace, and discussed the situation. John Page, the youngest member, boldly advised the governor to give up the power and arms, as necessary to restore the public tranquillity. Dunmore, enraged, struck the table with his fist, exclaiming: "Mr. Page, I am astonished at you." The other councillors, President William Nelson, John Camm (president of the college), Ralph Wormeley, Richard Corbin, Gawin Corbin and William Byrd remained silent. The result of the meeting was the issuance of a proclamation by the governor, assuring the public that he meant no harm and promising to return the powder "as soon as the present ferment should subside."

The same day the committee of Hanover County met at New Castle, and, urged by Patrick Henry, authorized him to proceed to Williamsburg with a company of troops and de-

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<sup>5</sup>Dr. William Pasteur was the son of a surgeon, Dr. Jean Pasteur, who, in 1700, came to Virginia from England in the Huguenot colony of that year. Dr. William Pasteur married Elizabeth Stith, daughter of William Stith, president of the college. He died in 1795, leaving his estate to his sister, Anne Craig, wife of Thomas Craig, and to his niece, Anne Smith, wife of Granville Smith. At this time Dr. Pasteur was partner with Dr. John Galt in the practice of medicine and surgery.

mand the return of the powder. Captain Henry set out at once, and was reinforced on the way by companies from Charles City,<sup>6</sup> New Kent and King William. Ensign Parke Goodall, with sixteen men, was detached to "Laneville," on the Mattapony, the seat of Richard Corbin, the king's deputy-receiver-general, to demand the estimated value of the powder; but the king's money was kept then in Williamsburg, and it was learned that Colonel Corbin was in that place. Captain Henry, in the meantime, with the main body, continued his march to Williamsburg, and the news of his approach caused great excitement. Lady Dunmore and her children precipitately fled to the protection of the *Fowey* at Yorktown, while Lord Dunmore planted cannon at the palace, armed his negro servants, and ordered up a detachment of marines from the ships.

Henry, with 150 men, reached Doncastle's ordinary in New Kent sixteen miles from Williamsburg, on the evening of May 3, and late that night, Colonel Carter Braxton, who lived at "Elsing Green," on the Pamunkey, arrived in town from Henry's camp. The alternatives presented by him were the restoration of the gunpowder or its value paid down; and, the latter being acceded to by Dunmore, Colonel Braxton returned with a bill of exchange for £320 from Richard Corbin, the receiver-general, and delivered it to Henry in his camp at sunrise of May 4. At ten o'clock of the same day, a detachment of forty sailors and marines from the *Fowey*, under Captain Stretch, arrived at the palace by way of the governor's park.

The affair of the powder being settled, Captain Henry wrote a letter to the treasurer, Robert Carter Nicholas, offering to remove the treasury of the colony to a safer place or to send a guard for its protection. But Nicholas returned the answer that "the minds of the people of Williamsburg were

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<sup>6</sup>According to a MS. letter of President John Tyler to the New England Historical and Genealogical Society, the Charles City company was commanded by his father, John Tyler, Sr.

perfectly quiet, and that there was now no necessity for the proposed guard." Indeed, more than one hundred of the citizens of Williamsburg patrolled the streets and guarded the treasury in the night. Upon this, Captain Henry and his men broke up camp and returned to their respective homes.

Two days later, May 6, the governor, relieved of apprehensions, issued a proclamation denouncing the outrages of "a certain Patrick Henry of Hanover County, and a number of his deluded followers," and calling upon the people to "vindicate the constitutional authority of the government." The reply was not long in forthcoming; for addresses and resolutions approving his conduct poured in upon Mr. Henry from all parts of the colony: and when, on May 11, he set out to attend the general congress, he was honored with an escort to the Potomac River composed of young gentlemen from Hanover, King William and Caroline counties, and had to repeatedly stop on the way to receive addresses of thanks and applause.

About this time Dunmore received orders from Lord North and Lord Dartmouth, at the head of the British government, to submit the propositions called "The Olive Branch," and he issued, on May 12, a summons for a meeting of the assembly. The troops from the *Fowey*, called by the people of Williamsburg, in derision, "Montague's boiled crabs," were sent back to the river, Lady Dunmore and her children returned to the palace, and the council published an address, in which they expressed "their detestation and abhorrence of the licentious and ungovernable spirit that had gone forth and misled the once happy people of this country." The council now shared the public odium with Dunmore, and were severely criticized in the newspapers.

In contrast with the unpopularity of Dunmore were the honors extended to Peyton Randolph. After his return to Philadelphia he was again elected president by the continental congress, but when, soon after, the news arrived that the House of Burgesses was to meet, he resigned and set out for Virginia. At Ruffin's Ferry, on the Pamunkey, he was met by a

detachment of cavalry from Williamsburg, all in uniform, who formed an escort. Two miles from Williamsburg they were joined by a company of infantry, and at Williamsburg itself, where they arrived at sunset, they were welcomed with cheers and the ringing of bells. ' "There were illuminations in the evening, and the volunteers, with many other respectable gentlemen, assembled at the Raleigh, spent an hour or two in harmony and cheerfulness, and drank several patriotic toasts."

The House of Burgesses organized on June 1, by the reelection of Randolph as speaker, but hardly had they addressed themselves to the business of the session, before an incident occurred, which had no small effect in increasing the public irritation. On Saturday night, the third of June, a few overzealous young men broke into the magazine for the purpose of getting arms. A cord, communicating with two spring guns, had been so placed that the arms could not be approached without touching it. One of the guns went off and wounded three of the intruders—one of them a popular young man named Beverley Dickson, quite seriously. While the conduct of the young men was not openly approved by the people of Williamsburg, the contrivance resorted to for the protection of the arms was deemed wicked and malicious. Dunmore's unpopularity was increased by the publication at this time of a letter of his to Lord Dartmouth, representing the condition of the colony as one of open rebellion—a statement perfectly true, but one which the colonists were not yet prepared to admit.

Before proceeding to consider Lord North's proposals, the house appointed a committee to inspect the magazine and enquire into the stores belonging there; and James Innis, captain of the Williamsburg volunteers, was required to place and maintain a guard for its defence. Dunmore thought it best to repeat his reasons in a message to the house for removing the powder, and promised that "as soon as he saw things in a state of security, he would certainly replace it." But difficulties

thickened. Rumors spreading that the mariners and soldiers belonging to the British ship *Fowey* were to be again introduced into the town, the people assembled in the streets with arms in their hands, and were with difficulty convinced that the report had no foundation.

In this situation of affairs some news that now arrived from the north proved too much for Dunmore's nerves. An express from General Gage, at Boston, acquainted him of his intention to publish a proclamation proscribing Samuel Adams and John Hancock, as Dunmore had done Patrick Henry; and fearing that he might be seized and detained as a hostage, Dunmore suddenly, about two o'clock in the morning of June 8, withdrew from the palace with his family, his secretary, Captain Edward Foy, and some of his domestics; and went on board of the *Fowey* man-of-war.

The people of Williamsburg were very much surprised at this denouement, and the Council and House of Burgesses tried to induce Dunmore to return, but in vain. They, nevertheless, continued their work on the bills of the session, and June 12, Thomas Jefferson, as chairman of a committee, made a masterly report to the house in answer to Lord North's so-called "Olive Branch." The Burgesses approved the conduct of the late war with the Indians, and provided the means of defraying the cost; but the governor would not pass the bill, because it imposed a specific duty of five pounds on the head, about ten per cent. on the value, of every slave imported from the West Indies. The last exercise of the veto power by the king's representative in Virginia was for the protection of the slave trade. At length, having finished their legislation, they entreated him to meet them at the capitol for the purpose of giving his formal consent, as was usual, to the bills and resolves passed by the assembly. He replied that he could not go to the capitol, but would be glad to see them on board his majesty's ship in York River.

The Burgesses voted this message "a high breach of the

rights and privileges of this house'' and on Saturday, June 20, they adjourned to meet on October 12.

Dr. H. J. Eckenrode notes<sup>7</sup> the deep-rooted attachment of the Virginians to mere legal practices and constitutional forms. The same men who met as a House of Burgesses, in connection with the royal governor, met also as a revolutionary assembly and adopted ordinances without his approval. The legal figment was kept up till it was worn threadbare. On October 12, 37 members of the House of Burgesses met, but this not proving a quorum they adjourned to meet on the first Thursday in March, 1776. On that day 32 members came together, which was not a sufficient number to proceed to business, and they adjourned till the first Monday in May following. Finally, on the 6th of May, there were still several members of the House, who met in Williamsburg, but they neither proceeded to business nor adjourned and the clerk wrote *Finis* under the record.

This was in the same contradictory spirit that characterized the colonists everywhere who professed to be loyal to King George and yet were in open rebellion against him.

On Monday, July 17, 1775, the third revolutionary convention met in Williamsburg. Measures were taken for raising two regiments of regular troops for one year and two companies for the protection of the western frontier, for dividing the colony into sixteen districts and for exercising the militia as minute men, so as to be ready for service at a moment's warning. Furthermore, it filled an imperative need, by creating in the place of Dunmore a revolutionary executive, known as the Committee of Safety, on August 17.

Several of the most noted leaders elected were absent as delegates to congress, Peyton Randolph, whose health was bad, Henry, Jefferson, Wythe and Richard Henry Lee, and so the highest vote on the Committee of Safety was given to Edmund Pendleton, who thereby became chosen president thereof. He, with Richard Bland, who declined to go to Con-

<sup>7</sup>Eckenrode, *The Revolution in Virginia*, p. 55.

gress because of his age, Paul Carrington, John Page, Carter Braxton, Dudley Digges, and John Tabb, conservatives, and George Mason, Thomas Ludwell Lee, William Cabell and James Mercer, progressives, composed the Committee of Safety.

The election was a conservative victory. It was due to the absence of Richard Henry Lee and Jefferson, both of whom were in Philadelphia, and more to the loss of Patrick Henry, who aspired to military glory as colonel of one of the Virginia regiments. It restored to the conservatives the power which they had lost since 1769.

This transfer of power from progressives to conservatives led to the postponement of hostilities with Dunmore for some months. And after hostilities, and as late as January, 1776, when Dunmore was a defeated fugitive, and the Committee of Safety ruled in his stead, there was an effort made through Richard Corbin, president of the Council—himself somewhat of a Tory—to induce Dunmore to commission the President of the Convention as acting governor for the adjourned meeting of the Assembly. Dunmore refused to grant the commission, thus frustrating the last efforts of the conservative leaders to continue the government under the colonial constitution. It must be remembered, however, that this conservatism was largely influenced by the still greater conservatism of Congress, for in October, 1775, Wythe, a conservative himself, declared from his seat in that body that “it was from a reverence for Congress that the convention of Virginia had neglected to arrest Lord Dunmore.”

Congress met at its second session in Philadelphia on May 10, 1775, the day agreed on. The position of honor was again accorded to Virginia. Peyton Randolph was re-elected president, and his colleagues occupied important positions on the committees. Washington was made Commander-in-chief of the New England army at Boston, and it was a few days later that the battle of Bunker Hill was fought.

Under the influence of the conservatives from the Middle States, in comparison with whom Edmund Pendleton was a

radical, Congress adopted on August 21, 1775, a petition to the King drawn in almost abject terms by John Dickinson, and during the months of waiting for an answer, Congress was careful to avoid doing anything that might endanger the acceptance of its petition. For this reason it put aside a plan of confederation proposed by Franklin, and refused to make adequate preparation for resistance. It declined to sanction the institution of government in the colonies or authorize Washington to attack the British in Boston. The most decided papers of this Congress came from the Virginians. These were Richard Henry Lee's "Address to the people of Great Britain" and Jefferson's "Reply to the Resolutions of the House of Commons," known as Lord North's "Olive Branch," and already referred to. The latter paper adopted the sentiments recently expressed by the same gentleman for the Virginia Assembly. Jefferson also prepared a declaration of the causes of taking up arms, but it was too strong for Mr. Dickinson, from Pennsylvania, and an entire new statement by him, with the exception of the last four paragraphs and a half of Jefferson's report, was adopted by Congress. This address was read in every market place with thundering applause. The commanders read it at the head of our armies. But it will probably not be denied by any reader at this time that this celebrated production owed most of its popularity to the part which proceeded from the pen of Thomas Jefferson.<sup>8</sup> Congress adjourned on August 1 and did not meet again till September 5.

In the meantime the royal governor after the adjournment of the House of Burgesses made his way to Norfolk. Later in the month the *Magdalene* sailed for York with Lady Dunmore and the rest of the governor's family, bound for England. They were convoyed across the bay by the *Fowey* man-of-war. The *Fowey* itself was shortly afterwards relieved by the *Mercury* and *Mars*, and sailed with Capt. Edward Foy, the governor's secretary, on board to Boston. The governor took

<sup>8</sup>Randall, *Life of Jefferson*, I, p. 115.

up his residence on board the *William*, a merchant ship, and remained inactive for several months for lack of troops. This was the opportunity of the Revolutionary Committee of Safety, who should have arrested him, and we have noticed Mr. Wythe's explanation of the failure to do so. Acquiring a little strength he finally resorted to hostile measures which compelled the unwilling committee to attack him. This led to his proclamation of November 7, declaring the colony in rebellion and setting the example followed by Lincoln in 1862, of proclaiming freedom to the slaves. He was finally driven from the State in July, 1776, but not before he had inflicted considerable loss by harassing visits to the plantations on the rivers. In the course of these hostilities Norfolk was destroyed.

Similar influences impelled Congress to action. A copy of its petition to the King was handed to Lord Dartmouth, August 21, and the response from his majesty two days later was a proclamation declaring the colonists as rebels. Intelligence of the fate of this second petition reached Philadelphia, October 31, and the city newspapers of the next day contained the King's proclamation. They also had the statement that ten thousand Hanoverians were about to join the British forces in America, and on this day an express from Washington told of the burning of Falmouth in Maine by the British commander.

This was too much, and Congress authorized Washington, who had closely besieged the British army in Boston, to attack, and he acted by seizing Dorchester Heights and compelling Howe to evacuate the city, in March, 1776. The South afterwards became the centre of interest. Dunmore was ravaging Virginia, and there was the menace of Sir Peter Parker's expedition against Charleston. The battle of Moore's Creek Bridge had been fought, and there the Tories had been routed by Richard Caswell, February 27. In this state of things the fire of resistance declined in the North and flamed up in the South.

Much has been written about the time of the birth of the

independence idea, and Massachusetts writers quote Hutchinson, the Tory governor, claiming that Samuel Adams was the first man to declare for it in any public meeting. But against this it must be remembered that the Tory governor was speaking of Massachusetts only, and moreover his horror of rebellion disposed him to put a construction on words that did not necessarily mean independence. Where and when did Samuel Adams make such a declaration? All his State papers in Massachusetts breathe of nothing but loyalty to the crown, and none even of his private letters come out explicitly for independence till the publication in January, 1776, of Tom Paine's famous pamphlet "Common Sense."

The same remark is true of his cousin and fellow patriot John Adams, whose statement in his autobiography written 30 years later, that he talked openly in Congress for independence during the latter part of 1775 seems contradicted by a letter written by him as late as February 17, 1776, which has the following: "Reconciliation if practicable and peace if attainable you very well know will be agreeable to my inclinations, but I see no prospect, no probability, no possibility."

As a matter of fact there is evidence that others preceded both in entertaining the idea. Among the earliest was William Lee, brother of Dr. Arthur Lee, who in his letter from London, April 3, 1775, already quoted, predicted "absolute independence." After the news of the fate of the second petition to the King, several anonymous articles appeared in the newspapers in favor of independence, and there were written also some private letters suggesting it by prominent, but not leading men. Doubtless among the very first to entertain ideas of independence was George Washington. In a letter to Mr. Reed, of Pennsylvania, dated February 10, 1776, he said: "With respect to myself, I have never entertained an idea of an accommodation, since I heard of the measures which were adopted in consequence of the Bunker Hill fight." Nevertheless, there is no evidence that Washington, even after the King's proclamation in August, 1775, went about urging inde-

pendence. Samuel Adams had a talent for intrigue, and in that spirit which politicians have of throwing flowers to their rivals in public favor, he was called by Jefferson "the Palinurus of the Revolution." It is stated that he was one of the caucus in Congress who met and shaped its policy, but as this work was one in secret, the value of his individual labors cannot be given its due weight. Certain it is, that he was not prominent as a speaker or writer, and if he was really responsible for the lukewarmness and vacillation of Congress at this time it is not much to his credit.

The truth is "independence" before Paine's great paper was an academic thought. It had in several cases some air of movement but it did not stir the mass of the people appreciably. It remained for Paine to breathe into it the breath of life and make it a vital impelling force. It was not till then that the idea of independence as it took shape in the Declaration of Independence was really and truly born.

The changed state of affairs, at that time and subsequently, made its appeal felt more keenly in the South than in the North. So evident was this that Samuel Adams, in a letter<sup>9</sup> of April 30, 1776, commented upon the reported necessity of "allaying the heat of the South by the coolness and moderation of the North." In this spirit Congress laid on the table an address<sup>10</sup> made by a Committee threatening Great Britain with Independence, and some weeks later Col. Landon Carter wrote<sup>11</sup> in his Diary of a report in Virginia that "Independence was thrice proposed in the Congress and each time thrown out by a vast majority, and that more than nine-tenths of the people to the northward are violently against it."

The delegates of Massachusetts were greatly embarrassed by the lack of enthusiasm for independence at home. On March 26, 1776, Elbridge Gerry, one of the delegates, wrote<sup>12</sup>

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<sup>9</sup>Wells' *Life of Samuel Adams*, II, p. 396.

<sup>10</sup>*Journals of Congress*, IV, 134-146.

<sup>11</sup>*William and Mary College Quarterly*, XVI, 258.

<sup>12</sup>*Life of Gerry*, Vol. I, p. 174.

to the President of the Massachusetts Provincial Assembly: "I sincerely wish you would originate instructions, expressed as a court in favor of independency. I am certain it would turn many doubtful minds and produce a reversal of the contrary instructions adopted by some assemblies." Writing still later, May 1, to the same gentleman, he used this language:<sup>13</sup> "Virginia is always to be depended upon, and so fine a spirit prevails among them, that unless you send some of your cool patriots among them, they may be for declaring independency before Congress is ready." The apprehension expressed in this paragraph was, as we shall see, verified by the event, as Virginia declared for independence more than six weeks before Congress acted. In a letter of May 28th, Gerry enclosed papers containing the Virginia and North Carolina instructions and said: "Their conventions have unanimously declared for independency and have in this respect exceeded their sister colonies in a most noble and decisive measure. I hope it will be forthwith communicated to your honorable assembly and hope to see my native colony following this laudable example."<sup>14</sup> James Warren in reply,<sup>15</sup> 12th of June, acknowledged the receipt of this letter, and the enclosed papers. "I have endeavored," he adds, "to use to the best purpose the intelligence you gave me, and to animate your native colony to follow the laudable example of the South. Their spirit is in your taste, and I can in imagination see you enjoy it."

Notwithstanding the urgings of Gerry and Warren, the Council branch of the Legislature, which held its session in May, at Watertown, negatived a resolution of the House of Representatives looking to independence. The House then proceeded separately on the question, and on the 10th of May, it voted this curious resolution that "the towns ought to call meetings to determine whether, if Congress should declare the

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<sup>13</sup>*Ibid.*, 178.

<sup>14</sup>*Life of Elbridge Gerry*, I, 181.

<sup>15</sup>*Ibid.*

colonies independent of Great Britain, the inhabitants would solemnly engage with their lives and fortunes to support them in the measure." This looks as if the House was trying to shirk the question and to throw the responsibility on the towns. And the towns, by repeating the "ifs," seemed in their resolutions to hand the question over to their representatives in the ensuing Provincial Congress. Boston thought reconciliation "dangerous and absurd," but professed her willingness "to wait, most patiently to wait, till the wisdom of Congress shall dictate the necessity of making a declaration of independence." A new House of Representatives convened on the 2d of June, but it was not till July 3, that they took final action on independence. On that day they addressed a letter<sup>16</sup> to their representatives in the Continental Congress advising them of the result of the vote in the majority of the towns, which were in favor of independence, if Congress deemed it advisable. They gave no direct instructions of their own, but submitted their letter "to be made use of as you shall think proper." On June 21, Joseph Hawley wrote<sup>17</sup> from Watertown: "General Washington: the most important matters are soon to be decided by arms. Unhappy it is for Massachusetts, and I fear the whole continent, that at this season we have a large and numerous assembly. More than one-half of the members are new members. Their decisions are most afflictingly slow, when everything calls for the utmost ardor and dispatch. The Lord have mercy upon us!" Compare the timidity of action of Boston and Massachusetts with the bold declaration of Cumberland County and the Virginia Convention.

The only Northern colony that made any expression of its sentiments previous to the Virginia convention, in May, 1776, was Rhode Island. There the assembly, on May 4, suppressed all recognition of King George but declined to give a direct answer to the query of representative Stephen Hopkins "con-

<sup>16</sup>Frothingham, *Rise of the Republic*, 508, note.

<sup>17</sup>Force, *American Archives*, Fourth Series, VI, 1015.

cerning dependence, or independence." By a secret commission, dated May 4, 1776, the delegates were given a power to vote for any measure calculated to "secure their rights," and independence was not named. Frothingham says<sup>18</sup> "that it roused no enthusiasm and made no mark."

The spirit of John Adams outran the cautiousness of his constituency, and May 10, 1776, a resolution proposed by him was adopted by Congress recommending to all the colonies, "where no government sufficient to the exigencies of their affairs have been hitherto established, to form such government as might conduce to their happiness in particular, and that of America in general." In his preamble to this resolution adopted May 15, the very day on which Virginia decided on her own motion to assume an independent government, it was asserted that "it is necessary that every kind of authority under the Crown of Great Britain should be totally suppressed." Though this was a step in advance, it was not a formal separation, and in view of the former protestations of Congress in favor of reconciliation did not carry with it the idea of separation from the British Empire.

The course of the Southern colonies was far more decided than that of the colonies of the North. On the 23rd of March, 1776, South Carolina, without directly alluding to independence, empowered her delegates to concur in any measure which might be deemed essential to the welfare of America. About the same time the Provincial Congress of Georgia, in choosing a new set of delegates to Philadelphia, authorized them to "join in any measure which they might think calculated for the common good." North Carolina, largely settled by Virginia emigrants, went a great step further, and her Provincial Congress on April 12, 1776, empowered her delegates to "*concur* with the delegates in the other colonies in declaring independency and forming foreign alliances, reserving to the colony the sole and exclusive right

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<sup>18</sup>Frothingham, *Rise of the Republic*, 505; see also *Tyler's Historical and Genealogical Quarterly*, Vol. II, p. 222.

of forming a constitution and laws for it." But her delegates were not instructed to propose independence, and none of them ever arose from their seats in Congress to put the ball in motion.

That unapproachable honor was reserved for Virginia, and there was no delay beyond what the date fixed for the meeting of her convention entailed. But long before this time the sentiments of her people for independence were plainly expressed. On this question, the evidence which has come down to us bears summing up.

"Common Sense" appeared first in a Philadelphia paper, January 9, 1776. In the notice of a new edition proposed on January 25, it was stated that "several hundred are already bespoke, one thousand for Virginia."<sup>19</sup> On January 31, Washington praised "its sound doctrine and unanswerable reasoning."<sup>20</sup> On February 24, 1776, Dr. Walter Jones, the representative in the convention from Richmond County and afterwards a prominent member of Congress, reported<sup>21</sup> it a "most incomparable performance." On March 29, Col. Landon Carter reported<sup>22</sup> Richard Henry Lee "as a prodigious admirer, if not partly a writer in it." On April 2, John Lee wrote<sup>23</sup> from Essex County: "Independence is now the topic here, and I think I am not mistaken when I say, it will (if not already) be very soon a *Favorite Child*."

John Page wrote,<sup>24</sup> on April 12, to R. H. Lee, from Williamsburg, the seat of government, that "almost every man here, except the Treasurer (Robert Carter Nicholas) is willing to declare for Independence." A week before John Page's letter, Major-General Charles Lee in a letter to Washington had declared the Provincial Congress of New York as "angels of decision" compared with the Committee of Safety at Wil-

<sup>19</sup>Frothingham, *Rise of the Republic*, 476.

<sup>20</sup>Sparks, *Writings of Washington*, III, 27.

<sup>21</sup>*William and Mary College Quarterly*, XVI, 152.

<sup>22</sup>*Ibid.*, XVI, 258.

<sup>23</sup>*Southern Literary Messenger*, XXVII, 186.

<sup>24</sup>*Southern Literary Messenger* for October, 1858, Vol. XXVII, p. 255.

liamsburg. This letter of John Page, who was Vice-president of the Committee of Safety, shows what a revolution had occurred in that center of conservatism. On April 20, William Aylett, of King William County, reported<sup>25</sup> to R. H. Lee: "The people of this county almost unanimously cry aloud for Independence," and the same day Richard Henry Lee, then attending Congress in Philadelphia, wrote<sup>26</sup> to Patrick Henry to propose a separation in the Virginia convention which was to meet in May. "Virginia," he writes, "has hitherto taken the lead in great affairs, and many now look at her with anxious expectation, hoping that the spirit, wisdom and energy of her councils will arouse America from the fatal lethargy into which the feebleness, folly and interested views of the Proprietary governments, with the aid of Tory machinations, have thrown her most unhappily."

On April 5, the committee of Cumberland county, appointed a sub-committee, of which Carter Henry Harrison<sup>27</sup> was the chairman, to draw up instructions for the delegates in convention to be chosen for that county on court day, April 22. Accordingly, on that day the people of Cumberland adopted resolutions drafted by Mr. Harrison, in which this imposing language was used: "We therefore, your constituents, instruct you positively to declare for an independency; that you solemnly abjure any allegiance to his Brittanick Majesty and bid him good night forever, that you promote in our convention an instruction to our delegates now sitting in Continental Congress to do the same," etc. This is as far as we know the first positive order in the United States given for independence by any official body, and on the next day (April 23), Charlotte county instructed<sup>28</sup> its delegates to use their best endeavors that "the delegates which are sent to the General

<sup>25</sup>*Ibid.*, 326.

<sup>26</sup>Henry, *Life and Speeches of Patrick Henry*, I, 378.

<sup>27</sup>See resolutions published for the first time in *William and Mary Quarterly*, II, 252-255. Carter Henry Harrison was brother of Benjamin Harrison, signer of the Declaration of Independence.

<sup>28</sup>Henry, *Life and Speeches of Patrick Henry*, I, 374-376.

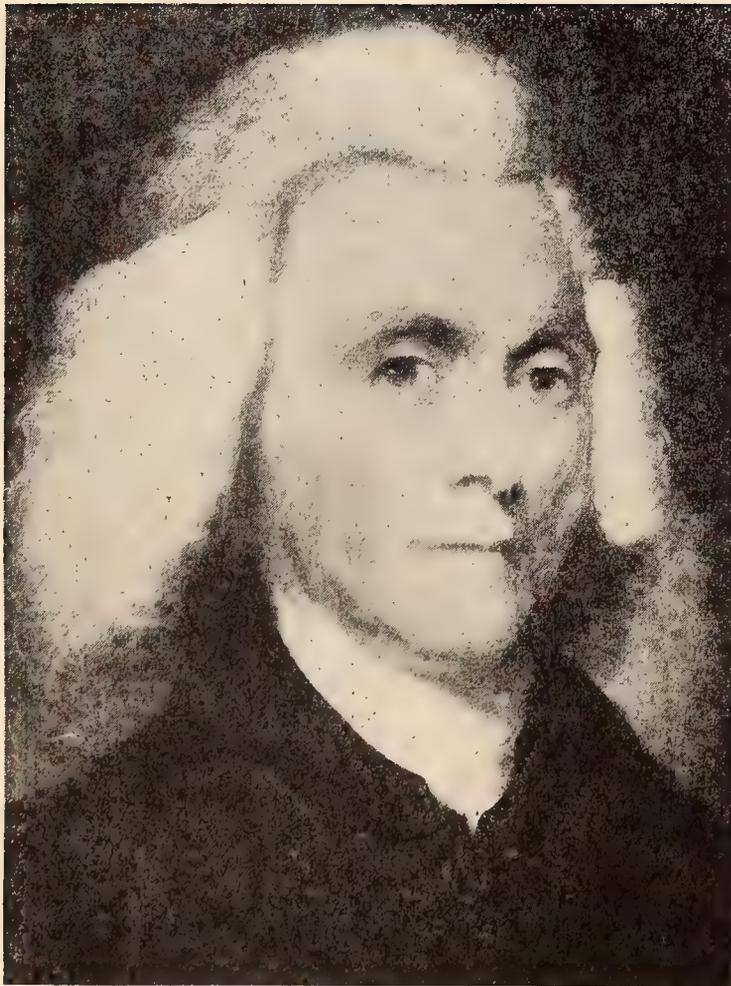
Congress be instructed immediately to cast off the British yoke." The rest of the counties followed in resolutions very similar, and in this spirit and with such aims the new convention was chosen, and on the 6th of May, met in Williamsburg according to order. Just four days later Gen. Charles Lee wrote that the languor of Congress frightened him.

On May 15 a paper was adopted which directed the Virginia delegates in Congress to propose to that respectable body to declare the United Colonies "free and independent States absolved from all allegiance to or dependence upon the Crown or Parliament of Great Britain." By the same paper, a committee was appointed to prepare a declaration of rights and plan of government for the colony. The author was Edmund Pendleton,<sup>29</sup> President of the convention. It was proposed by Thomas Nelson, and championed before the convention by Patrick Henry. "As a Pillar of Fire which, notwithstanding the darkness of the prospect, would conduct to the promised land he inflamed, and was followed by the convention."<sup>30</sup> In this way did Virginia solve the last political problem of the preliminary stages of the Revolution, and in consequence the greatest joy prevailed in Williamsburg. The troops were drawn out and paraded before Brigadier-General Andrew Lewis, in Waller's Grove, at the east end of the town, near the theatre. Then publicly toasts were drunk, and each of them was accompanied by a discharge of artillery. The British flag, which floated from the capitol, was immediately struck and a continental hoisted in its room. And all this time the "Liberty Bell of Virginia," which still hangs in the old church steeple—the most remarkable relic doing duty in the United States—was making merry with its musical peals.

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<sup>29</sup>It was really a composite paper framed from others offered the day before in the committee of the whole by Patrick Henry, Meriwether Smith and Mr. Pendleton himself. Henry, *Life and Speeches of Patrick Henry*, I, 394-396. Mr. Pendleton was the leader of the conservative forces, which shows how events had brought the people together in common opposition.

<sup>30</sup>Edmund Randolph, *History of Virginia*, MSS.



EDMUND PENDLETON

On June 12, the convention of Virginia adopted unanimously a Declaration of Rights, and on June 29, unanimously, a State constitution by which it was declared that the government of this country, as formerly exercised under the Crown of Great Britain, is "totally dissolved." The Declaration of Rights was the work of George Mason, and the body of the Virginia constitution was substantially his, though the beautiful preamble proceeded from the pen of Thomas Jefferson. These celebrated papers were copied and adopted substantially as their own by most of the other colonies. Immediately after the approval of the plan of government the convention elected Patrick Henry first governor, adopted a State seal prepared by George Wythe, and passed an ordinance requiring all magistrates and other officers to swear allegiance to the "Commonwealth of Virginia."

The constitution of Virginia has been called the first written charter of government ever adopted by a free and independent people. Up to the meeting of the Virginia convention, in May, 1776, Congress had kept open the door of reconciliation, and in this spirit it had at different dates during the year 1775 advised Massachusetts, New Hampshire, South Carolina, and Virginia, in which the functions of the old royal government were suspended, to form new governments, *if they deemed it necessary*, "during the continuances of the present disputes between Great Britain and the colonies." Virginia at that time did not deem it necessary to make a written constitution which was to be temporary only, for she had her popular convention, which met from time to time, and in August, 1775, she had created a Committee of Safety, which had general executive control and was empowered to issue all commissions without any recognition of King George.

Richard Henry Lee, had been associated with John Adams in preparing the preamble adopted in Congress on May 15, and now on June 7, he rose from his seat, and in obedience to the instructions of Virginia, proposed the celebrated reso-

lutions: (1) For independence; (2) For forming foreign alliances; and (3) For establishing a plan of confederation. His main supporters were John Adams, of Massachusetts, and George Wythe, of Virginia—two of the really great men in Congress. But it appearing in the course of the debates that the delegations of New York, New Jersey, Pennsylvania, Delaware and South Carolina were not yet ready, it was thought prudent to postpone the final decision. And that this might occasion as little delay as possible, a committee, with Thomas Jefferson at the head, was appointed June 11, 1776, to prepare a Declaration of Independence. The adoption of these great measures on July 2, and July 4, respectively, consummated the work which Virginia had begun. Far above and beyond all other writers Jefferson deserves the name of the "Penman of the Revolution," for his was not a work confined, like Samuel Adams,' to a province, but into his "Declaration of Independence" he poured the soul of a continent. An eminent critic<sup>31</sup> has pronounced this paper "as the most commanding and the most pathetic utterance in any age, in any language, of national grievances and of national purposes," and the editor<sup>32</sup> of the latest edition of the writings of Thomas Jefferson does not shrink from calling it "the paper which is probably the best known that ever came from the pen of an individual."

In so great a drama as I have attempted briefly to unfold there were many actors. On June 3, 1776, John Adams again declared what so many had said before: "We all look up to Virginia for examples." Among the Virginia exemplars of this period were Richard Bland, Peyton Randolph, Edmund Pendleton, George Wythe, Robert Carter Nicholas, Dr. Arthur Lee, Richard Henry Lee, Patrick Henry, George Mason, Thomas Nelson, George Washington and Thomas Jefferson; but undoubtedly the hero of the period was Patrick Henry. His was the unquestionable merit of having prepared resist-

<sup>31</sup>Moses Coit Tyler in *Literary Hist. of the American Revolution*.

<sup>32</sup>Paul Leicester Ford.

ance by his speech in the Parsons' cause and of having led the country in the Stamp Act, and during all the period succeeding he had been always a leading spirit and often the soul of action. He consolidated the opposition against the act of Parliament for trying Americans in England, put life into the counsels of Congress at Philadelphia in 1774, and championed with his eloquent tongue the intercolonial committees of correspondence and the resolutions of the Virginia convention for independence. His was the one voice that never was silent from the beginning to the end.<sup>33</sup> John Adams uttered the contemporary sentiments of the people of Massachusetts when he pointed him out, in 1776, as the "author of the first Virginia resolutions against the Stamp Act, who will have the glory with posterity of BEGINNING AND CONCLUDING THIS GREAT REVOLUTION."

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<sup>33</sup>It appears that Patrick Henry thought that a treaty of alliance should be made with France before declaring independence, but when the convention deemed a resort at once to independence the best policy, he did not hesitate to champion the measure.

PART II  
REVOLUTION AND REORGANI-  
ZATION



## CHAPTER I

### MILITARY ACTIVITIES—DUNMORE'S WAR— INDIAN TROUBLES

After Lord Dunmore abandoned Williamsburg on June 6, 1775, his authority was at first narrowed down to the compass of the man-of-war *Fowey*, in which he took refuge. When the *Fowey* was relieved by the frigates *Mercury* and *Mars*, he transferred his authority to the decks of those vessels. At first he had only the sailors and mariners of those two frigates under his control, but he was afterwards re-enforced from St. Augustine in Florida by about 160 men of the Fourteenth Regiment of the line. He made Gosport, a village on the Elizabeth River opposite Norfolk, his headquarters, and left undisturbed, he finally gathered about him a small and motley company of recruits, mostly Scotch clerks and runaway negroes.

These were re-enforced from time to time until he had about 800 men in his service, and his fleet consisted of the two ships of war, the *Otter* and the *King Fisher* (the *Mercury* and the *Mars* having left the colony), three merchantmen, one of which was the *William*, on which Dunmore made his residence, and a number of armed barges and tenders.

But how to maintain these forces became the question with him, and the county committees along the Chesapeake, by their rigid enforcement of the Continental Association, soon reduced him to the condition of a blockade. He was compelled, therefore, to send out foraging parties, and the first open violence occurred through the predatory proceedings of a certain Captain Squires of the Sloop-of-war *Otter*, who, in the month of August, cruised in Hampton Roads and Chesapeake Bay,

plundering plantations and carrying off slaves. On September 2, 1775, while engaged in this kind of work, one of his tenders was driven on shore near Hampton by a storm. The incensed inhabitants appropriated the guns and supplies and burned the tender, but did not injure or detain the crew. Thereupon Lord Dunmore sent several times and demanded the return of the stores, which was refused. In the meantime, James Innis, usher in the College and captain of the Williamsburg Volunteers, was sent down from Williamsburg with 100 men to defend the town. Later the town was defended by a company of regulars under Col. George Nicholas.

In the latter part of October, Squires appeared near Hampton with several tenders, he in one himself, as the depth of the water would not permit his taking one of the sloops of war. One of the tenders going too near the town and not suspecting any deadly work, was suddenly fired upon from one of the windows of a house, and two of her men were killed and two were wounded. This was the first bloodshed. Indications pointing to a renewal of the attack next day, Col. Woodford was sent down with Captain John Green's company of riflemen from Culpeper, and he arrived just in time to take part in the repulse of the second attempt upon the town. Hostilities at Norfolk were begun by Dunmore in the latter part of September, 1775. Hitherto, he had contented himself with remaining on his ship in the harbor, where his presence caused some irritation. Now one morning he landed some grenadiers and mariners and surprised a printing establishment owned by John Holt, who in his paper had been abusing Capt. Squires and would not desist when requested. The Norfolk militia made no fight, and Norfolk was greatly blamed by the authorities in Williamsburg, where some 1300 or 1400 volunteers had collected.<sup>1</sup>

Loyalists complained in their letters that the provincials were breathing threatenings against the town, and in antici-

<sup>1</sup>*Virginia Magazine of Hist. & Biog.*, XIV, 134; Eckenrode, *The Revolution in Virginia*, 64.

pation of its destruction a third of the people left, some who were royalists for England and some who were revolutionists for the interior.

The shedding of blood at Hampton determined Dunmore to more active hostilities, and hearing that some provincial troops had taken a stand at Great Bridge, on the south branch of the Elizabeth River, twelve miles due south of the town, he embarked his little corps consisting of about 150 grenadiers and twenty or thirty loyalists from Norfolk and moved by water up to within 4 miles of the bridge, only to find no one there. He, therefore, turned east along the edge of a large forest to Kempsville, where he had learned some 200 or 300 of the local militia were encamped.

On his approach the militiamen fired a volley and wounded a man, whereupon the regulars charged and soon put the Virginians to flight. The British pursued them for a mile, killed a few, drove others into a creek where they were drowned, and took some prisoners, including Col. Joseph Hutchins, the commander. Greatly elated, Dunmore, on Nov. 14, 1776, issued his proclamation (dated a week before) declaring martial law and proclaiming freedom to the negroes, occupied the Great Bridge, which secured the greatest part of two counties to supply him with provisions, and ordered a regiment to be raised, called the "Queen's Own Loyal Regiment," consisting of a Lieutenant-Colonel, Commandant, Major and ten companies. Of this regiment he commissioned Jacob Ellegood, of Princess Anne County, as the Lieutenant-Colonel, and John Saunders, of the same county, as Major.

It is curious to see how history repeats itself. Dunmore's offer of freedom to the slaves was a war measure and contemplated the same result as Lincoln did in 1861, viz.: the breaking up of the opposing army by the menace of massacre and of destruction at home. Thus Dunmore wrote\* on November 30, to General Howe in New York: "I immediately upon this (the victory at Kempsville) issued the enclosed procla-

\*Niles, *Revolution in America*, p. 138.

mation, which has had a wonderful effect, as there are no less than 300 who have taken and signed the enclosed oath. The *blacks* are also flocking from all quarters, which I hope will oblige the rebels to disperse, *to take care of their families and property.*”

For some short time after these proceedings Dunmore continued on the tide of prosperity. He kept the Virginians in hot water by sending his tenders up the James River and to other parts of the country, and by this means captured over four score pieces of ordnance and a number of his active enemies. But retribution overtook him very soon. The Committee of Safety was provoked at last into taking adequate measures to drive Dunmore from his position at Norfolk. Edmund Pendleton, the chairman, was practically the directing head of this body, and as such was the most powerful man in Virginia during the latter part of 1775.

Ever since June recruits from different counties had been gathering in Williamsburg. The convention which assembled July 17 found the governor not only absent from his post, but threatening war upon the colony. In a purely defensive spirit, ordinances were passed embodying three regiments of one thousand men each, and, in addition, five companies, aggregating 425 men, to be posted along the western borders to guard against any attack of the Indians. Patrick Henry was made commander-in-chief and colonel of the first regiment; Thomas Nelson, Jr., colonel of the second; and William Woodford, colonel of the third; but Nelson declined the appointment, and the number of regiments was reduced to two, and Williamsburg was made the rendezvous of the troops.

The call of the convention brought to Williamsburg a large body of volunteers, more than were necessary to fill the two regiments. The men came together in various uniforms, or without uniforms, and mostly armed with their own fowling pieces. The company from Culpeper county were dressed in green hunting shirts, with the words of Patrick Henry, “Liberty or Death” in large white letters on their breasts, bucktails

in their hats, and scalping knives and tomahawks in their belts. Their flag displayed the significant device of a coiled rattlesnake with the motto "Don't tread on me."

Patrick Henry arrived September 23, 1775, and chose for his encampment the field back of William and Mary College, and having formed the men in two regiments, the officers commenced drilling them in company and regiment tactics. The Committee had appointed William Christian lieutenant-colonel and Francis Eppes major to the first regiment, and Charles Scott lieutenant-colonel and Alexander Spotswood major to the second regiment.

With these forces at hand to maintain its authority, the Committee of Safety decided to send troops against Dunmore, and on October 24, 1775, the second regiment, commanded by Woodford and the Culpeper battalion of minute men, commanded by Capt. John Green, were selected for the purpose.

In making this selection the Committee slighted Col. Henry, who was not only colonel of the First Regiment, but commanding officer of the Virginia forces. Pendleton, the chairman, had opposed Henry at many times, beginning with the Stamp Act; and mingled with this political antagonism there was a genuine doubt of Henry's ability as a soldier, a doubt in which Washington himself shared. Woodford, on the other hand, was a fellow countyman and an intimate friend of Pendleton, and had some military experience which Henry did not have.

Early in November, Col. Woodford marched with so much of his regiment as he was able to provide with arms, numbering with the minute men about 700 soldiers, and being prevented by some of Dunmore's ships from crossing with all his troops the river at Jamestown, crossed the major part of them higher up at Sandy Point. Here he learned through a messenger from Capt. Willis Riddick, commanding the militia at Suffolk, of a design of Lord Dunmore to attack that place and destroy the provisions collected there. This call reached



GENERAL WILLIAM WOODFORD

him on the night of November 20, and early next morning he detached Lt. Col. Charles Scott to make a forced march with 215 men to the help of the place, he himself following as promptly as possible with the rest of the troops, now including a detachment of the first regiment. He reached Suffolk in time to relieve it from the threatened attack, and continuing his march found the forces of Lord Dunmore entrenched at the Great Bridge. Here on December 9 his Lordship, deceived as to Woodford's strength by a servant of Major Marshall, who had feigned desertion, gave battle with some 200 regulars and 300 negroes and Tories.

The British grenadiers bravely charged across the Bridge and were mowed down by the unerring bullets of the "Shirt Men," as the British called the Virginians. More than half the regulars were killed, and seventeen covered with wounds were taken prisoners. Every officer was either killed or wounded. On the side of the Virginians not a man was lost and only one received a slight wound. The fight was a Bunker Hill on a smaller scale, with results far more favorable to the Americans.<sup>2</sup>

Lord Dunmore fell back to Norfolk, and Col. Robert Howe having joined Woodford with a regiment of North Carolina troops, his Lordship deemed it most expedient to retire to his ships, leaving the negroes he had induced to take up arms to shift for themselves. How our ancestors looked upon Dunmore's attempt to rouse the negroes is shown by their actions at this time. No death punishment was visited upon either Tory or slave, but such Tories as were captured in actual arms were sent to various places of confinement, each coupled with a pair of handcuffs to a black fellow soldier.

The "Victorious Rebels," now numbering about 1275 men<sup>3</sup>

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<sup>2</sup>*Richmond College Historical Papers*, Vol. I, No. 1, Woodford, Howe and Lee Letters.

<sup>3</sup>A roll of the troops, made at this time and published in the *Virginia Gazette*, showed that this figure was composed of 350 soldiers of the First Virginia Regiment, 172 of the Second Virginia Regiment, and 165 minute men, together with 588 North Carolinians.

entered Norfolk on December 14, 1775, about 10 o'clock at night, and the next morning Col. Howe assumed chief command, by virtue of the precedence in time of his commission. A proclamation was issued offering pardon to all persons who would take the oath of allegiance to the Commonwealth.

It is surprising that even after these events the character of a real war was not recognized by either side, the defensive attitude being still kept up by the Americans. Captain James Barron, of Hampton, cut off the supplies to Dunmore's fleet at Norfolk by arming and equipping a fast pilot boat which put a stop to his foraging expeditions. In this condition of things the arrival of the frigate *Liverpool*, mounting 28 guns, and a brig laden with arms and ammunition and 400 men brought things to a crisis. On December 24, Henry Bellew, captain of the *Liverpool*, sent in a flag of truce to make known his want of fresh provisions, and asking to be furnished therewith, as had been customary upon the arrival of one of his majesty's ships. Howe and Woodford did not want to provoke Bellew, and so, while refusing a general supply, complimented Bellew with fresh provisions for his own table. This naturally increased the irritation of the British soldiers, and on the first of January, 1776, they opened up a heavy cannonade against the town from the *Liverpool*, the *Otter*, the *King Fisher*, and the *Dunmore*, and under its cover several parties of mariners and sailors were landed and set fire to the houses on the wharves.

The fires begun by balls or landing parties spread with great rapidity, chiefly through the agency of provincial troops. The destruction caused by the ships was confined to the water's edge, but the provincial troops involved the whole place in the catastrophe. On January 2, when the firing had ceased, the riflemen continued the work of destruction, and it was not till the 3rd day that Woodford interfered and put a stop to the rapine, but by that time more than two-thirds of Norfolk was in ashes. In February, 1776, the remainder was destroyed by order of the Convention. Norfolk had an ill

reputation on account of its Tory population, and Howe gave expression to the general idea of the army that its destruction would be beneficial to the public. It was a place the enemy could reach at any time, inhabited by a population wholly given up to trade and without devotion to the American cause. Nevertheless, the blame of its destruction was put upon the British, and not without some justification, as the British took the initiative, which the Americans would not have done.

Any way viewed, however, it was a melancholy event. Norfolk was the richest and most flourishing town in the colony. In two years, from 1773 to 1775, the rents of the houses increased from £8,000 to £10,000 a year. Its population exceeded 6,000 and many of the merchants were possessed of affluent fortunes. The actual loss has been estimated at more than £300,000 sterling and the mass of distress attendant upon so many people being driven from their homes was beyond calculation.<sup>4</sup>

The bombardment of Norfolk was a very foolish act of Lord Dunmore, since he deprived his sovereign of an open seaport and a center of British influence. When the fleet, which he had urged and prayed for, at last arrived, Norfolk, instead of presenting a useful and convenience base for operations, was a mere heap of ruins, and held out few inducements for occupation.

From this time till 1st of June, 1776, Dunmore continued on his fleet before Norfolk. Occasional brushes occurred between the Virginia troops and landing parties from the ships. Early in February the Virginia troops abandoned Norfolk, after sending away the few people still living there, burning all the remaining houses, and demolishing Dunmore's entrenchments. Detachments were quartered at Kempsville, Great Bridge and Suffolk, points more accessible than Norfolk, and easier to provision. Shortly afterwards the frigate *Roebuck* arrived with some re-enforcements and enabled Dun-

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<sup>4</sup>Campbell, *History of Virginia*, 639, 640; Burk, *History of Virginia*, IV, 101, 102.

more to take possession of the village of Portsmouth, across the Elizabeth River from Norfolk. Portsmouth now became his base from which he sent out along the Chesapeake Bay tenders and ships, which took a number of American vessels as prizes and occasionally made raids on the plantations along the rivers.<sup>5</sup>

But Dunmore did not have his whole way in these expeditions. A tender was attacked in the Rappahannock by sailboats manned by people in the neighborhood and escaped with difficulty. James Barron intercepted a boat dispatched by Lord Dunmore to Maryland to convey to Governor Eden of that state letters addressed to him by the British secretary of state. These letters imported a valuable warning, for they gave information of an intended attack on the Southern States by a heavy armament of ships and men, about to sail at the time of writing.<sup>6</sup>

In the meantime things were not going on very smoothly in military and official circles at Williamsburg. While Woodford was by his victory at Great Bridge the hero of the hour, Henry was compelled to remain at Williamsburg with duties that amounted to little more than posting his men at different points liable to attack on the James and York Rivers. What increased the awkwardness of his situation was Woodford's refusal to report to him directly and his decision to report directly to the Committee of Safety. On Henry's appeal to that body it attempted to compromise matters by passing a resolution directing Woodford to report to Col. Henry at all proper times, but to receive orders from the Convention or Committee when either was sitting, otherwise from Col. Henry. This resolution seems to have been accepted by Colonel Henry as a settlement of the matter, though not satisfactory to him; and as Colonel Woodford was now acting under Col. Howe, of North Carolina, who was immediately under the Convention or Committee, the resolution did not make much of a conces-

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<sup>5</sup>Eckenrode, *The Revolution in Virginia*, 90.

<sup>6</sup>Commodore Barron in *The Virginia Hist. Register*, I, 23.

sion. Col. Henry was kept inactive at Williamsburg and Howe and Woodford were at the head of all the active services performed. When the Convention determined to offer six regiments to the continental establishment, while the first and second Virginia were included with their colonels in the six, Congress passed Henry over to appoint Robert Howe and Andrew Lewis brigadier-generals. Wounded by this distrust, proceedings largely from jealousy no doubt, Henry resigned his commission and retired to private life. His action produced a commotion in camp and all the troops put on mourning, and in an address delivered to him the troops applauded the "spirited resentment" which he had manifested to the "most glaring indignity."

By his resignation, Henry was deprived of the opportunity of proving his military capacity, but most of the officers of the American army were technically ignorant, and, as Dr. Eckenrode aptly says,<sup>7</sup> there seems no reason why a man "so audacious, determined and masterful as Patrick Henry should not have been a successful brigade commander. Politics and war have much in common." It is doubtful, however, whether his resignation was not a fortunate event. By leaving the army he played a great part in founding the Commonwealth of Virginia, and if his enemies calculated by their opposition upon destroying him, they soon found out that he was more influential out of the army than in it.

In March, Charles Lee, Major-General in the Continental service, was appointed by Congress to take command of the situation in the South. He laid a strong hand upon the Tories in Portsmouth and Princess Anne County. From the former, which was Dunmore's base, he removed all the inhabitants and demolished the houses of the leading merchants, Andrew Sproule, Neill Jameson, John Goodrich and others, and at his advice the Convention of Virginia ordered all persons in Princess Anne and Norfolk Counties to retire into the interior at least 30 miles from the enemy, but subsequently

<sup>7</sup>Eckenrode, *The Revolution in Virginia*, 76.

limited their resolution to the immediate neighborhood on the protest of the friends of government in those counties. On May 20, Lee fought a skirmish from the shore at Norfolk with the ships, and a few days later Dunmore, finding his position in the Elizabeth River no longer tenable, sailed away with his whole flotilla of 103 sail, and entrenched himself at Gwynn's Island, in Chesapeake Bay.

While General Lee was busy at Charleston in repelling the attack of Sir Peter Parker, Brigadier-General Andrew Lewis and Col. Adam Stephen undertook to settle matters with Dunmore. Fire rafts, row-galleys, and floating batteries were constructed, and Capt. Barron dealt Dunmore a severe blow by capturing 218 Highlanders who had put into Chesapeake Bay with the hope of finding employment with Dunmore. On July 8, General Lewis reached the camp before Gwynn's Island, and opened a cannonade on Dunmore's fleet, stationed within easy range. The *Dunmore* and *Otter* were so severely injured that they slipped their cables and hauled off, followed by all the rest of the motley shipping. On the next morning, some of Lewis' soldiers effecting a landing on the island, a panic seized Dunmore's men, so that they precipitately evacuated the place, leaving behind many valuable stores. By the smallpox and other malignant disorders which had raged on board the ships during their stay at Norfolk and Gwynn's Island, and by the destructive effect of hostile shots, more than 500 men were destroyed, and the island was covered with dying men and recent graves.

The news of the defeat of Sir Henry Clinton and Sir Peter Parker at Charleston spread through Virginia about the same time as did the news of the discomfiture of Lord Dunmore at Gwynn's Island. On Saturday, July 13, 1776, Col. Landon Carter, from his seat on the Rappahannock, wrote<sup>8</sup> in his Diary: "The report from our Courthouse is that Gen. Lee has beat Clinton in South Carolina a prodigious battle, drove the army all away and killed General Clinton, that our Gloster batteries

<sup>8</sup>*William and Mary College Quarterly*, XX, 183.

and forces drove Dunmore and all his fleet from Gwynn's Island, sunk six ships, took two and disabled the men-of-war so much they were obliged to go away." "14, Sunday, July, 1776. This night at 9 all Tappahannock illuminated, and as low down as at Clements' house, where Ritchie lives."

Driven from Gwynn's Island, Dunmore tried to land on St. George's Island in Maryland, but was prevented from doing so by the militia. He plundered and burned several plantation houses along the Potomac and again attacked St. George's Island with no better fortune. Not being able to find a safe place for further operations, he dropped down the bay with all his fleet and, dispatching the remnant of his followers to Florida and the West Indies, sailed to New York, from which place after a short sojourn he sailed to England. In 1786 he was appointed governor of Bermuda, and in 1809 he died.

Apparently no language has been thought by American historians too harsh in depicting the character of Lord Dunmore. He has been denounced as a robber, plunderer, and instigator of a servile massacre, and in this character he has come down to our own day. But it is probably time to reconsider this verdict. Dunmore, as a matter of fact, did not approve the action of the government in England in continuing to lay taxes on America, and eagerly tried to effect an accommodation between the Colony and the Mother Country. It should also be remembered in his favor that when some prominent Americans, like Benjamin Franklin, tried to divest Virginia of her western territory, Dunmore boldly stood up against the authorities in England in behalf of the colony and for a year or more was very much liked for his affable and agreeable manner in his intercourse with the people. After he returned to England, his home and his pocketbook were open to the Virginia loyalists—Randolph, Grymes, Brockenbrough, Beverley, Wormeley, Corbin, Hubbard, and others—who were execrated like himself, but who for the sake of their convictions abandoned everything they had to the malice of their enemies.

With the adoption of a state constitution on June 29, 1776, the direction of matters passed from the Conservatives, led by Edmund Pendleton, chairman of the Committee of Safety, to the Progressives, led by Patrick Henry, who represented the real spirit of revolutionary Virginia. He was triumphantly vindicated from the slights of the Committee of Safety by his election over Thomas Nelson, Sr., who had long held the office of Secretary of State, and was now supported in his opposition by Pendleton and the other Conservatives.<sup>9</sup> Nevertheless, such was the spirit of conciliation apparent at all times in Virginia, and such was the respect had for Pendleton that he was elected Speaker in October of the new house of delegates. This was illustrative of Mr. Jefferson's statement in his autobiography:—"Unanimity was maintained in Virginia by the bolder spirits slackening their pace on different measures that the less ardent might keep up, and they on their part differing nothing in principle, quickened their gait, so that by the harmony of the bold with the cautious we advanced with our constituents in undivided mass, and with fewer examples of separation in Virginia than perhaps existed in any other part of the Union."

This balance of parties appears to have been kept up all through the Revolution. At the succeeding session, Jefferson of the Progressives, nominated for speaker George Wythe, who had started as a Conservative but was now a marked Progressive. He was elected. Wythe, however, was succeeded by Benjamin Harrison, a Conservative, who defeated Jefferson for the speakership by fifty-one to twenty-three votes. During the absence of Harrison, at the March session in 1781, Richard Henry Lee, who had been a Progressive but was now

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<sup>9</sup>Landon Carter was a conservative who was opposed to Independence, but believed in fighting for colonial rights under the British flag. When a rumor reached him of Henry's death about the time of Dunmore's evacuation of Gwynn's Island Carter wrote in his diary that the defeat of Dunmore and the death of Henry were "two glorious events particularly favorable by the hand of Providence." *William and Mary Quarterly*, XX, p. 184.



BENJAMIN HARRISON

rather conservative in his views, occupied the chair. In 1783, John Tyler, a Progressive, who had already served two years as speaker, was nominated for re-election by Patrick Henry, and by a vote of 61 to 20, defeated R. H. Lee, who was nominated by the Conservative, John Page. Then, in 1785, John Tyler suffered defeat at the hands of Benjamin Harrison, of the Conservative wing. There was this sort of alternation in the gubernatorial office as well. Henry served for three years and was succeeded by Thomas Jefferson, another Progressive, who served for two. He was succeeded by a Conservative, General Thomas Nelson, Jr., who served for about five months, and he by Benjamin Harrison, another Conservative, who served three years.

Throughout the Revolution the military activities of the State were varied and important. After Dunmore's war there was no invasion of the State during Patrick Henry's administration, except towards its close, but military operations on the frontiers were continuous.

The first few days after Henry's election saw Dunmore driven from Gwynn's Island, and on July 22 Henry and his council ordered Col. Charles Lewis, with his battalion of minute men, to march against the Cherokees, and on August 1, upon hearing of their depredations in the Clinch Valley increased the force and made Col. William Christian commander. The rising of these savages was part of the plan concocted by the British government early in 1776 to crush the Southern States. While Sir Peter Parker and his fleet, conveying a strong force under Sir Henry Clinton, were to attack the seaboard, and the Highlanders of North Carolina were to take up arms, all the Western Indians were to be employed by John Stuart, Superintendent of Indian Affairs in the Southern District of America, in an attack on the frontier settlements. When Parker appeared before Charleston, the Indians, true to their engagement, upon being informed of the arrival of the ships, took the warpath and invaded the frontier from Georgia to the head of the Holston in Virginia.

Col. Christian appointed the Great Island in the Holston, or Heaton's Station, as the place of rendezvous for his troops and marched thence with an army composed of 1600 Virginians and three or four hundred North Carolinians. He found the Indians massed on the other side of the French Broad—3000 strong, and the conditions gave promise of a severe battle. But the Indians did not hazard an engagement and when Col. Christian crossed the river near what is now known as Buckingham's Island, he found, to his surprise, that the Indians had suddenly determined to retreat to the fastnesses of their mountains.

To punish their unprovoked attack upon the settlements Colonel Christian destroyed several of their towns and laid waste their corn fields, sparing those Indians only who had been peacefully inclined. Forces sent out by Georgia, South Carolina and North Carolina met with similar success and the Indians were glad enough to sue for peace. Their request was granted by Col. Christian and a convention was entered into, but not to take effect till a treaty should be made by representatives from the whole tribe, who were invited to meet commissioners from Virginia in May following, at Heaton's Station. After this Col. Christian marched his troops back to this point, where most of them were disbanded, and the remainder were put into winter quarters in a new fort erected and called "Fort Patrick Henry," which was believed to be within the bounds of Virginia.

On May 23, 1777, Col. William Christian, Col. William Preston and Major Evan Shelby, who had been appointed commissioners to treat with the Cherokees, arranged the terms of a treaty by which a new line was run between the white people of Virginia and the Cherokees, which was to be west of that run by Donelson. It commenced at the Great Island in the Holston and ran thence in a straight line to "a high point on Cumberland mountain, between three and five miles below or westward of the great gap which leads to the settlements of Kentucky."<sup>10</sup>

<sup>10</sup>Henry, *Life of Patrick Henry*, I, 462-464.

One of the chiefs called "Dragging Canoe," would not accede to the treaty and with 400 other Indians preserved a hostile attitude, causing Governor Henry and his council to issue orders for the destruction of their towns. Three hundred militia were ordered to that service from the neighborhood of Fort Pitt, but on the advice of George Morgan, Superintendent of Indian Affairs, and Col. John Neville, the expedition was abandoned for fear of starting up a general Indian war.

Although there were no attacks from the sea, during Governor Henry's term, there were frequent reports of the movements of the British Navy which caused apprehension. In August, 1777, the British fleet appeared off the Virginia Coast with Howe's army aboard. Sixty-four companies of militia were immediately called out and placed under the command of General Thomas Nelson, Jr. Among the troops that took the field was a company comprised of the students at William and Mary College, commanded by Rev. James Madison, President of the College. Granville Smith was first lieutenant. While the destination of the fleet was in doubt, the Governor took every precaution to protect the coast and ordered the arrest and removal from the threatened portions of the state, of all persons suspected of disaffection to the American cause. This was approved by the next Assembly, but was considered such a stretch of authority that a special act was passed to indemnify the Governor and Council therefor.

Hostilities in the Southwest was succeeded by hostilities in the West and Northwest. While a fugitive on board the *Fowey*, in 1775 Lord Dunmore had concocted a scheme with Major John Connolly, by which, with the consent of General Gage in Boston, he was by liberal presents to unite the Ohio Indians and the loyalists in the section about Fort Pitt in an expedition to Alexandria, where he was to be met by Lord Dunmore and his Ships of War. The capture of Connolly at Hagerstown in Maryland ruined the plan, and for two years afterwards the frontier in that direction was the scene of a

contest between British and Virginia agents for enlisting the friendship and assistance of the Indians.

At last, however, in the Spring of 1777, Hamilton, the governor of Detroit so far prevailed as to induce the Indians to make a general attack on the settlements. Two hundred warriors entered Kentucky and besieged the forts at Harrodsburg, Boonesborough and at Logan's Statue. They withdrew from the first two places and were driven from the last by Col. John Bowman, with two companies of 100 men from Virginia.

Governor Henry was not indifferent to the dangers. Apprehending an attack he sent warnings to the different county lieutenants to hold their militia in readiness and magazines were directed to be erected in Ohio, Yohogania and Monongalia Counties, and ammunition was forwarded.

In June, 1777, the Council gave Col. John Todd 250 men for the defense of the Kentucky settlements against the western and northwestern Indians, and four or five companies were raised in the counties of Augusta, Botetourt and Greenbrier for the protection of the settlements east of the Ohio. When these companies arrived at Fort Randolph, situated where the famous battle of Point Pleasant was fought, they found Cornstalk and Elinipsico, his son, there. Provoked at the murder of one of their companions by the Indians concealed in the weeds on the banks of the river, the company of Capt. Hall from Rockbridge shot both the Indian chiefs. Cornstalk had been faithful to the stipulations of the treaty with Dunmore, and having done all he could to dissuade his own tribe from confederating with the western tribes against the Americans, had visited the camp to inform the Americans of the condition of affairs. But Capt. Hall's men were in no mood to discriminate, and Cornstalk and his son fell victims to unreasoning anger.

A few days after this outrage, General Hand, who had been appointed by Congress to embody a large force of militia and attack the Indians, arrived at the fort without supplies

and having failed to raise any force in Pennsylvania. The Virginians, having been enlisted as a part of his force, being thus left with neither provisions nor support, had to abandon the expedition and return to their homes.<sup>11</sup>

Governor Henry was very indignant at the murder of Cornstalk and his son, but he did not allow his feelings to delay the steps required to protect the settlers from the certain wrath of the Indians. He threw 50 men into Fort Randolph, which in May, 1778, was besieged by a force of more than 200 Indians. The place was successfully defended, and the Indians abandoning the attack upon the Fort, made a raid into Greenbrier County and penetrated to the vicinity of Lewisburg. They were repulsed by a force led by Capt. John Stuart and Col. Samuel Lewis and driven from the county. Higher up the savages broke into the beautiful Wyoming Valley of Pennsylvania and perpetrated the brutal massacre, which has become celebrated in prose and verse.

Upon the failure of General Hand to organize the expedition, General McIntosh, of Georgia, an experienced Indian fighter, was put by Congress in command of the proposed attack upon the Indians. Governor Henry aided General McIntosh by placing the militia of the counties nearest to Pittsburg at his disposal. He prepared to attack Detroit, but this was laid aside on the advice of Governor Henry in favor of an attack on the hostile tribes nearest our frontiers, but little result was had from General McIntosh's movements. A fort, called Fort Laurens, was planted on the Tuscarawas River and garrisoned by 150 Virginians under Col. John Gibson. During the next year Fort Laurens was abandoned and the plans of Congress proved fruitless, though not because of any lack of aid from Governor Henry.

<sup>11</sup>Henry, *Life of Patrick Henry*, I, 577.

## CHAPTER II

### MILITARY ACTIVITIES—CLARK'S CONQUEST OF THE NORTHWEST AND THE INVASIONS OF COLLIER, LESLIE, ARNOLD AND PHILLIPS

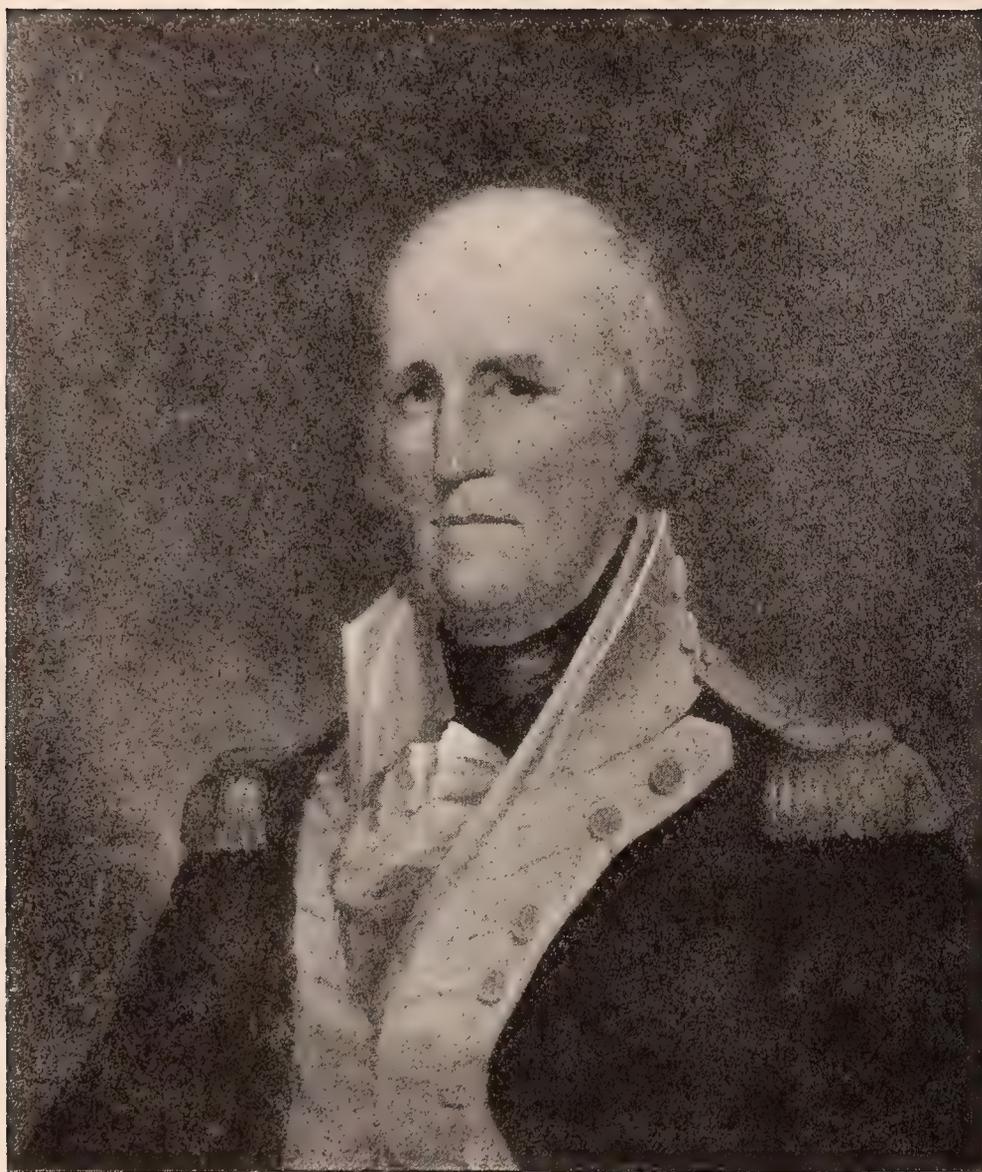
Had Governor Henry's administration been distinguished by no other incident than the campaign of George Rogers Clark, sent out by him in the year 1778, it would have proved the absurdity of the charge brought against it recently of "a mediocre administration!" Upon this episode alone volume after volume has been written and its brilliant success was in striking contrast with the failure of the congressional plans detailed. When we consider the boldness of the conception, the small force employed, the audacity of the enterprise, the brilliancy of its execution, and the vast consequences which resulted from it, this expedition may well challenge all history for a parallel.<sup>1</sup>

Clark, who suggested the enterprise, had only the safety of Kentucky from Indian incursions at heart, but Governor Henry, in sending it out, had greater objects in view, the accomplishment of which changed the history of the United States and made it possible for them to extend across the continent.

The British occupation of this country, which was taken from the French during the French and Indian War, was secured by a chain of forts reaching from Detroit, at the mouth of Lake Huron, to Kaskaskia, very near where the river of that

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<sup>1</sup>For the Clark Expedition, see Henry, *Life of Patrick Henry*; English, *Conquest of the Northwest*; George Rogers Clark Papers, edited by James Alton James; Burk, *History of Virginia*, Vol. IV (By Girardin); Hening, *Statutes at Large*; James, *George Rogers Clark Papers*.



GEORGE ROGERS CLARK

name enters into the Mississippi. These forts were the centers from which the influences went forth that incited the savages to numerous raids upon Kentucky. Clark sent two young hunters as spies, who reported the Indians gone to war and only small garrisons left in the forts, most of the soldiers having been withdrawn to defend Detroit from the attack threatened by Congress. The French population they found rather friendly to the United States, though the British were constantly endeavoring to influence their minds in a hostile way.

With this information<sup>2</sup> Clark set out for Williamsburg in the fall of 1777, having for his main object the settlement of his accounts in reference to the Kentucky militia. The capture of Burgoyne, however, suggested to his mind on his arrival at Williamsburg that the moment was a favorable one to attack the British Posts in the Illinois country, and he imparted his ideas to a few leading spirits in Virginia—George Wythe, George Mason and Thomas Jefferson. These gentlemen highly approved of the scheme and communicated with Governor Henry on the subject. Henry eagerly seized upon the suggestion, and with the aid of the gentlemen named, got through the Legislature a bill to empower the Governor, with the advice of his Council, to employ such number of the militia as he should judge necessary to act with any troops on “an expedition that may be undertaken against any of our western enemies.” Following this, on January 2, 1778, the Governor communicated information of the proposed measure to his Council, who authorized him to issue his warrant upon the treasurer for £1200, payable to Col. George Rogers Clark, as commander of the expedition, and to draw up the necessary instructions.

The instructions which were drawn by Henry were masterly in conception and showed the whole purpose of the expedition, but they were kept secret and another paper was also given by Governor Henry to Clark to be used in recruiting his

<sup>2</sup>Henry, *Henry*, I, 582.

army. This authorized him to raise seven companies of militia in any county in the Commonwealth, which were to proceed to Kentucky and then obey such orders and directions as Clark should give them.

In collecting his recruits, Clark found strong opposition in the country around Pittsburg, where the inhabitants were divided between Virginia and Pennsylvania, and instead of seven companies he was only enabled to enlist four, commanded by Capt. John Montgomery, Capt. Joseph Bowman, Capt. Leonard Helm and Capt. William Harrod. With a part of these he went down the Ohio from Pittsburg to the Falls, where he completed his quota of four companies, and then dropped down to the mouth of the Tennessee. Here he captured a boat load of hunters, who were only eight days from Kaskaskia. From these he learned all he desired about the post.

On July 4, 1778, Clark and his men arrived within a few miles of Kaskaskia, and that night, under the guidance of a soldier from the garrison, whom they had captured, they entered the fort by a gate left open on the river side, surprising and making prisoner the Commander, Mr. Rocheblave. The French inhabitants soon came over to the American side, and among them was Pierre Gibault, a French priest, who proved to be of the greatest value to them. Meantime, Joseph Bowman, with 30 men went against the other Illinois towns. Prairie du Rocher, St. Phillippe, and Cohokia were each surprised in turn and reduced to submission.

Clark next directed his arms against St. Vincent, now Vincennes, on the Wabash river, but he was saved the trouble of an attack by the French priest referred to above, who won over the inhabitants to Clark's side. After this success, Clark turned his attention to the Indians, who were greatly impressed with his unexpected victories, and thirteen tribes sued for peace.

The time for which his little body of men had enlisted was about to expire, but by liberal promises and presents, Clark prevailed upon about one hundred to remain with him for

eight months longer, and he filled the places of those returning with French recruits as far as possible. He stationed Capt. Bowman at Cohokia, and Capt Helm at St. Vincent, each with a small corps, and with the returning force he sent Rocheblave a prisoner to Williamsburg in charge of Capt. John Montgomery, and letters from him and Capt. Helm, informing the Governor of his success, and of the taking of the oath of allegiance to Virginia by the inhabitants of the captured towns.

The letters reached Williamsburg November 16, 1778, and the Governor the same day communicated their contents to the Assembly and the Virginia delegates in Congress.

The Assembly voted a resolution of thanks<sup>3</sup> to Col. Clark and his men, and passed an act establishing the County of Illinois, to embrace the territory between the Ohio and the Mississippi, and the governor was given power to select a county lieutenant for said county, having authority to appoint as many deputy commandants, militia officers, and commissaries as he should think proper. The Governor and his Council were also authorized to raise 500 men to protect the county and to supply the inhabitants of the territory with goods and other necessaries by opening up a trade with New Orleans or in any other way.

On December 12, 1778, Governor Henry appointed Col. John Todd, of Kentucky, lieutenant of the new county, Lieutenant Col. John Montgomery superintendent of the recruiting of five new companies, Capt. Isaac Shelby to procure the necessary boats to transport the troops down the Cherokee or Tennessee river, and James Buchanan to provide the provisions needed for them. The instructions which accompanied these appointments were drawn by Governor Henry and are of marked ability and statesmanship.

In the meantime, Clark's situation became very critical. Hamilton, the British governor of the territory, marched against him with a force estimated at from five to eight hundred men, mostly Indians from the Six Nations, and recap-

<sup>3</sup>Burk, *History of Virginia*, IV, 319.

tured St. Vincent, on December 17, 1778. Instead of pushing on when he might have recaptured Kaskaskia, Hamilton went into winter quarters at St. Vincent, determining to open the campaign in the spring with a sufficient force of Indians to drive Clark from the country and to destroy all the settlements west of the Alleghanies. In the meanwhile, he retained only eighty men about him, dismissing his Indian allies to make war upon the frontiers and to block up the Ohio.

Clark was informed of these matters by a Spanish merchant, Col. Francis Vigo, who had visited St. Vincent at the instance of Clark, and with true genius he determined upon attacking Hamilton while his Indians were away. He had not heard a word from Virginia, and could not rely upon reinforcements from that quarter. He, therefore, determined to move with all the forces he could raise of his own troops and a few militia, amounting in all to 170 men. About fifty of these he put on board a galley, mounted with several cannons, and provided with ammunition and provisions, and directed them to proceed by water and meet him at about ten leagues from St. Vincent.

On February 5, 1779, he left Kaskaskia and began his desperate march of 170 miles or more through a wilderness of ice and water, incurring unexampled hardships from cold and want of provisions. It took eighteen days to accomplish the trip, but at last, about one o'clock on February 23, Clark and his men appeared before St. Vincent, unsuspected and undetected. No resistance was made by the inhabitants of the town, and the fort, after sustaining a constant fire of 24 hours, surrendered. On the 25th Clark sent a force up the Wabash to intercept a party in charge of stores which Hamilton was expecting. They captured 40 men and with them seven boatloads of provisions. On the 27th the galley, which had failed to meet them at the expected point, finally arrived, bearing William Morris, a messenger sent by Governor Clark to Williamsburg and who returned with dispatches from Gov-

ernor Henry and information of the action of the Assembly on hearing of Clark's past success.

Clark sullied his victory by putting a party of Indians to death who visited the fort under the belief that the British had still control. But his action had its excuse in retaliation for the savage barbarities committed by the Indians generally.

Clark released most of the English soldiers, but sent Hamilton and twenty-five others, seven officers and eighteen privates, in the charge of a guard, as prisoners to Williamsburg. When they arrived there Henry's term of three years had expired and the new governor, Thomas Jefferson, ordered Hamilton and two of his associates to be confined in the State Prison, which is still standing. This was done because of their activity in stirring up the Indians to war and because of the belief entertained by Virginians generally that Hamilton offered to the Indians rewards for scalps. The governor ordered fetters to be put upon them, thus treating them as common criminals. The British authorities at New York strongly protested and Washington being consulted thought the policy adopted by Jefferson a doubtful one. So Hamilton and the other two unfortunates were after some delay relieved of their fetters, and in the course of a few months were exchanged. Hamilton himself vigorously denied that he was guilty of offering rewards for scalps.

Whether we consider the hardships endured, the courage displayed, or the results obtained by this conquest of the West, Clark deserves a conspicuous and honorable place in history. When peace was negotiated, France intrigued with Great Britain to limit the western boundary of the United States to the Ohio. But the Mississippi and the Wabash were held by Virginia soldiers, and so the boundary of the United States became not the Ohio but the Mississippi and the lakes. This vast addition was only an extension of that pioneer work which Virginia had been doing since its settlement, and which under Virginia presidents, Jefferson, Monroe and Tyler, was

to stretch the empire of republics from ocean to ocean and from the lakes to the Gulf of Mexico.

Clark, however, was far from the ideal of a Washington, whose head could not be turned by success, or of a Lee whose noble majesty of mind could not be degraded by defeat or disappointment. Neither Washington nor Lee would have approved the deception employed by Clark on his soldiers in leading them on to the fateful campaign. Then in addressing Lt. Col. Hamilton, the British commander, at St. Vincent as mere "Mr.," Clark showed a spirit not at all becoming a successful general. Congress and Virginia neglected his just demands for advances made by him in the course of the war, but this was no excuse for taking to strong drink and abusing his native state, as he appears to have done.

During the last few weeks of Governor Henry's administration the period of invasion opened. Admiral Sir George Collier with a fleet carrying 2000 troops under General Matthew entered Hampton Roads on the ninth of May, 1779. The fleet was composed in part of light armed vessels, capable of running up the shallow creeks and rivers. Leaving his flagship, *Raisnable*, of 64 guns, in the Roads on account of her great draught, he proceeded with the rest up the Elizabeth River, and opened operations against Fort Nelson, which had been one of the fortifications established by the Legislature for internal defence and security, and was situated about two miles from Portsmouth on the north bank of the Elizabeth River. It was garrisoned by 150 men, commanded by Major Thomas Matthews.

No defence was practicable as the British, while bombarding it from the water with their ships, proceeded to attack it by a land force in the rear. Major Matthews, informed of their intention, speedily executed a retreat, leaving his colors flying over the fort and spiking up all his guns except one, a brass field piece which he removed. Closely pursued, he managed to save himself by putting the Dismal Swamp between his troops and the pursuers. Fort Nelson had not been fortified on the

land side, but it would not have made any difference if it had been.

Portsmouth was occupied by the British, and from this point they sent out raiding parties in various directions. A militia force of 200 men had gathered at Suffolk, but it dispersed at the approach of a superior body of red coats, who set fire to the town which was both an important depot of supplies and a terminus to a foreign trade kept open by Virginia war vessels, by way of the Blackwater River, the Chowan River, Albemarle Sound and Ocracoke inlet. The British remained 24 days in Virginia at Portsmouth, where there was a marine yard, which Collier pronounced the best in the States. This he destroyed with many ships on the stocks. In evacuating Fort Nelson, Major Matthews had destroyed the larger Virginia vessels off Portsmouth and sent the smaller ones for safety up the Southern Branch. These now fell victims to the British light armed vessels, and an immense quantity of naval and military stores, merchandise and provisions of all kinds was taken or destroyed. The whole number of vessels taken and destroyed during the brief interval the King's ships were in Virginia was one hundred and thirty-seven, and the loss incurred thereby and through supplies of all kinds destroyed amounted to a million pounds sterling.<sup>4</sup>

The *Gazette* of that day and oral tradition have preserved the memory of particular acts of brutality on the part of the British, but these were largely due, no doubt, to soldiers acting without authority. Collier, in his narrative, tells us that his men had positive orders "to do no wanton act of cruelty, nor burn houses, nor in any shape molest innocent people," and there is an interesting instance of his humanity. A house was burned near Cheriton in Northampton County and several other houses set on fire and plundered by Tories from New York engaged in privateering. Admiral Collier, informed of the outrages, sent an apologetic letter ashore and accompanied it with a ship's load of salt for the use of the unhappy sufferers,

<sup>4</sup>Burk, *History of Virginia*, IV, 336.

that article being very scarce and much coveted in those days. This courtesy was so much appreciated that several gentlemen in the county sent Collier a present of eight lambs, which the commander, instead of saving for his own table, turned over to the sick men of his command.

Suggestive of a similar episode during the war for Southern Independence was another affair. Upon the arrival of Collier's fleet, four negroes fled from their master, William Armistead, of "Hesse," in Matthews Co., then a part of Gloucester Co., to the protection of the British. Whereupon permission was granted by Governor Henry and his council to Capt. Peter Bernard, representing Mr. Armistead, to go with a flag of truce on board of his Majesty's ship and request the return of the negroes as private property. But Collier refused the request, replying that while "the business of his Majesty's ships in Virginia was neither to entice negroes on board or to detain them if they were found there," yet "his Majesty's colors in all places afford an asylum to the distressed and protection on supplication."<sup>5</sup>

In view of the fact that his Majesty had obstinately turned a deaf ear to the repeated protests of the Virginians against the slave trade, the remarks of Collier doubtless did not bring conviction of their sincerity either to Patrick Henry or his council, but the words of the British commander sound better than the answer returned on a similar occasion by the Federal Commander, Gen. B. F. Butler, in 1861.

In that year three slaves belonging to Col. Charles K. Mallory, of Hampton, fled from Sewell Point, where they had been put to work on the fortifications, to the protection of the Federals at Point Comfort. Major John B. Cary, then in command of the Virginia militia at Hampton, went under flag of truce to reclaim them. But General Butler declared the negroes "contraband of war," and refused to give them up. For this

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<sup>5</sup>Virginia Historical Register, IV, 181-195; *Tyler's Quarterly Historical & Gen. Mag.*, 310-313.

reply he was much applauded in the North, as establishing a new rule of international law.<sup>6</sup>

To meet this destructive invasion, the Legislature of Virginia, which had assembled at Williamsburg on the 3rd of May, detained the 2000 troops which were on the point of marching under General Gustavus Scott to the aid of the Southern Continental army, and on May 14, Governor Henry issued a proclamation requiring the county lieutenants and other military officers, especially those on the navigable waters, to hold their respective militia in readiness to oppose the attempts of the enemy, wherever they might be made. But on the 20th of May, in obedience to the recommendation of Congress and General Washington, the Legislature performed the astonishing act of self abnegation of ordering the 2,000 recruits to march to South Carolina, together with Bland's and Baylor's regiments of horse. The defence of the State devolved on Gen. Thomas Nelson and the militia, and an act was passed by the Legislature authorizing the governor and his council of state to cause a body of cavalry to be raised to serve during the present invasion. Before, however, any military measures could be made effective, the enemy had come and gone.

Thomas Jefferson became governor June 1, 1779, and was confronted with the demands of the war, which the British government had instituted against the Southern States. For more than a year the State was free from invasion, and during that time no one could have been more active than Jefferson in using efforts to strengthen the Southern army and furnish it with supplies. But the interval was a depressing one. General Lincoln, with all his troops, was captured in Charleston on May 12, 1780, which was a particular heavy blow to the state as more than half the continental troops were Virginians. A few days later, on May 29, 1780, 400 Virginia continentals, under Col. Buford, who had arrived too late to enter the in-

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<sup>6</sup>Virginia Historical Register, IV, 181-195; *Tyler's Quarterly Historical & Genealogical Magazine*, II, 76.

vested place, were attacked by Tarleton and destroyed. Virginia had already lost heavily in prisoners at the capture of Fort Washington in November, 1776, and at Germantown in October, 1777, when the Ninth Virginia Regiment and part of the Sixth were made prisoners.

In August, 1780, occurred the defeat of his successor, Horatio Gates, at Camden, in which the Virginia militia under the gallant General Edward Stevens were routed and dispersed. Not long after, Sumter was defeated by Tarleton and for a time the British armies were in the ascendant throughout Georgia and South Carolina. It was under these depressing conditions that early in September intelligence was brought to General Gates by spies and deserters that Lord Cornwallis intended immediately to embark his main force at Georgetown for Cape Fear and had persuaded Sir Henry Clinton to send a force to take possession of Portsmouth, in Virginia, and establish there a strong post. Intelligence of this was communicated by General Gates and Governor Jefferson to Congress and to General Washington, but no assistance was sent by either to Virginia.

Lord Cornwallis divided his army into two columns—one under Col. Ferguson to march northward along the frontiers to collect loyalist support, and the main body under himself to proceed through the Waxhaws on a parallel course. About the time he reached Charlotte, North Carolina, a British fleet appeared in Chesapeake Bay carrying 3,000 troops under General Leslie.<sup>7</sup> On October 20, 800 troops were landed in the neighborhood of Portsmouth, and some more at the bay side of Princess Anne. On the 23rd 1,000 infantry were put on shore at Newport News and immediately took possession of Hampton. Soon, however, they concentrated their force at Portsmouth, where they began to fortify themselves. Their highest post was Suffolk, and to prevent the approach of any enemy, they occupied the narrow and defensible path between Nansemond River and the Dismal Swamp. The purpose of

<sup>7</sup>Burk, *History of Virginia*, IV, 419.

the expedition was to establish a post in Virginia which might put a stop to the recruits and supplies sent to the aid of the Southern army.

There can be no question that Governor Jefferson did all that was in his power to meet the pressing danger. Virginia had poured thousands of men into the Southern and the Northern armies, and she had still plenty left. But she had only a few guns to put in their hands, as most had been sent out of the State. It would have been useless to keep the whole militia in the field without arms, so Jefferson called upon Congress for arms, and sought to oppose General Leslie with as large a body of troops as he could equip with the scanty supply of guns remaining in the State. He directed General Nelson to make every exertion to collect the militia of the lower counties and secure at least the important pass of the Great Bridge. Five hundred men raised by General Lawson, who were about to march to South Carolina, were detained to resist this new attack at home, and the brave General Edward Stevens, with a detachment of the Southern army, made ready to march to the support of the state.

But after a stay in Virginia of exactly a month, Leslie on November 22, embarked his army on his fleet and sailed for South Carolina, and joined Lord Cornwallis.

This change of policy was due to the wonderful news which had come from the South of the battle at King's Mountain, fought on October 7, 1780, when the hardy backwoodsmen of Tennessee, North Carolina and Virginia, under the chief command of Col. William Campbell, of Montgomery County, Virginia, won a great victory, destroying or capturing the whole detachment of the army of Lord Cornwallis under the command of Colonel Ferguson. This victory caused Cornwallis to abandon his attack on North Carolina for the present and fall back from Charlotte to Wynnborough, near Camden in South Carolina.

During his stay in Virginia Leslie was much more successful than Collier and Matthew had been in preventing wanton

and unnecessary devastation. The greatest injury resulting from this invasion was the loss of a large quantity of cattle collected in the lower counties for the use of the Southern army, and seized by the enemy immediately after their debarkation. It expedited rather than retarded the re-enforcements intended for Gates, which with other troops had been collected by Muhlenberg at the head of Pagan Creek, and by Nelson, on the north side of James River.<sup>8</sup>

However, only a short interval prevailed before another invasion took place. On the last day of 1780, Mr. Jefferson received intelligence that 27 ships, under the command of Benedict Arnold, had entered Chesapeake Bay, and were starting up towards the mouth of James River. As promptly as possible the governor dispatched Brigadier-General Nelson to the lower country, and the militia, the public stores, and public arms were placed at his disposal. Arnold sailed up the river and stopped at Burwell's Bay. Resuming his course he was next reported as at Jamestown, and his object was supposed to be Williamsburg. Then he proceeded as far as Westover, and that either Petersburg or Richmond was the intended point of attack now became sufficiently evident. Baron Steuben, who was on the south side, organizing the new recruits for the Southern army, thought that Petersburg would be the point of attack, but he was not long in finding that he was mistaken.

Landing his army of 1,500 infantry and 120 cavalry at Westover on January 4, Arnold drew up his men and took the road to Richmond, to which the capital of the state had been moved the year before on account of the exposed condition of Williamsburg. Richmond was then a hamlet of a few hundred people, and was nothing suggestive of the splendid city which now crowns the hills overhanging the James. Mr. Jefferson had no time to get the militia together, but even given time he would have had difficulty in arming a force sufficient to cope with these well-armed British soldiers, so stripped was the

<sup>8</sup>Burk, *History of Virginia*, IV, 419.

state of all military equipment from the the efforts to supply the Southern and Northern armies. He did all that any prudent man could do under the circumstances. As a precautionary measure he had ordered all the arms and stores to be transferred to the foundry and laboratory about six miles above Richmond, near Westham, and he now gave orders that they should be conveyed directly across the river both from Richmond and Westham. To Westham he himself repaired to superintend the operations, and late in the night rode to Tuckahoe farther up the river. Returning on the morning of the 5th to Britton's, opposite to Westham, and finding that the arms had been left heaped on the bank, he had them removed to a greater distance and proceeded to Manchester (now South Richmond), whence the enemy and their busy movements in Richmond were now in full view.

They had left Westover at two o'clock the preceding day, encamping for the night at Four Mile Creek, and had arrived at one o'clock on the fifth at Richmond, whence Arnold detached Lieutenant-Colonel Simcoe, with a regiment of infantry and fifty cavalymen to the foundry near Westham, which they burnt, together with the boring mill and magazine, and two other houses. The same party advanced to Westham, but finding nothing there, returned to Richmond. Here Arnold, probably not quite the eager plunderer he has been represented, had waited to learn the answer of Governor Jefferson, then at Chetwood's, Baron Steuben's headquarters, to a proposal sent by him not to burn the town if Jefferson would consent to permit the British vessels to come up the river unmolested and take away the tobacco deposited there. Jefferson rejected this proposition without hesitation, and on the 6th Arnold burnt all the stores, public and private, which he could reach.

Having done all the damage he could, he proceeded to return to his fleet at Westover, and encamped that evening at Four Mile Creek. The 7th and 8th he passed at Westover and Berkeley, the homes respectively of the late Col. William Byrd and of Speaker Benjamin Harrison, the latter place known in

the war for Southern Independence as Harrison's Landing, to which McClellan retired after the battle of Malvern Hill.

In the meantime the militia was assembling from all quarters. Two hundred, drawn from Richmond and the surrounding territory, under the command of Col. John Nicholas, attacked Arnold's pickets on the 5th inst. and drove them in, but were of course too few to venture a battle. One hundred and fifty assembled at Charles City Court House, about ten miles from Westover, where on January 8th they were surprised and dispersed by Simcoe's cavalry. Two or three hundred militia under General Smallwood had better luck with some of Arnold's vessels which had sailed up the Appomattox river. Having possession of one or two four pounders they compelled the ships to fall hastily down the river to the main fleet at Westover. Baron Steuben had 800 men and General Gibson a thousand on the south side of the James.

On January 10, 1781, Arnold embarked all his forces, and that night landed his troops at Hood's. Here he was attacked by two hundred and fifty militiamen under Col. George Rogers Clark, who, at the time of Arnold's invasion, happened to be at Richmond, preparing for a grand enterprise against Detroit. Under the sudden fire of the Virginians, who then prudently beat a retreat, seventeen British soldiers were killed and thirteen were wounded.

Arnold renewed his retreat, and on January 20, reached Portsmouth, intending to establish there a permanent camp. On the way he seized some stores at Cobham, Smithfield, and Mackay's Mills. With some added forces, separated from him in a storm between New York and Cape Henry, his army now amounted to 2,000 men.

It was well that Arnold made haste, for by this short time the militia embodied amounted to about 4,000, and a battle in the open might have been fatal to him. The Virginians, however, were badly equipped, and lacking bayonets and cannon, were not fit to attack an army of 2,000 behind entrenchments, so they were divided into three cantonments, one under

General Weeden at Fredericksburg, for the protection of the important works there,<sup>9</sup> and two others, one under General Nelson, at and near Williamsburg, and a third at Cabin Point, under General Steuben, to prevent any further incursions of the kind from which the state had just suffered. Mr. Jefferson was eager to capture Arnold and offered 5,000 guineas to any of the men of General Muhlenberg's corps, who would accomplish the work. But Arnold knew his danger and kept close quarters, never stirring beyond them unless with a strong guard.

The real situation of Virginia is strongly depicted in the letters of Governor Jefferson. "The fatal want of arms," he wrote to the President of Congress, on the 8th of February, "puts it out of our power to bring a greater force into the field than will barely suffice to restrain the adventures of the pitiful body of men the enemy have at Portsmouth. Should they be reinforced, the country will be perfectly open to them by land as well as by water." "I have been knocking at the door of Congress," he wrote to a friend on the 17th of the same month, "for aids of all kinds, but especially of arms, ever since the middle of summer. The Speaker, Harrison, is gone to be heard on that subject.<sup>10</sup> Justice, indeed, requires that we should be aided powerfully. Yet, if they would only repay us the arms we have lent them, we should give the enemy trouble, though abandoned to ourselves." On the same day, he addressed the Commander in Chief, nearly in the same words,

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<sup>9</sup>Fredericksburg was the seat of a public hospital, gun factory and iron works.

<sup>10</sup>Harrison's letters published in *Tyler's Quarterly*, III, 23-27, give the result of his mission. To the Committee of Congress he showed that the greatest part of the powder sent to the South went from Virginia, by which means the state was left with only about 4,700 pounds of all kinds, much of which had to be worked over before it could be used. Several thousand arms had also gone on and very few had been returned, and these in wretched condition. But all this was exceeded in wretchedness by the condition of the men in the field, who were absolutely naked and unable to stand the winter exposure. The immediate results of Harrison's mission was the securing of four tons of powder. The treasury of Congress was absolutely devoid of money and no clothing could be had except from private sources, at exorbitant rates.

“Arms and a naval force,” he observed, “are the only means of salvation for Virginia.”

These protests had some effect. Washington was not unobservant of affairs in his native state. He had a holy hatred of Arnold and he organized a land and naval expedition to effect his capture, if possible. Washington made arrangements to send to Virginia 1,200 Continental soldiers under LaFayette and persuaded Destouches, the French admiral at Newport, to try to blockade Arnold by sea. In pursuance of this, DeTilly was sent to Chesapeake Bay with a small squadron, but finding himself by reason of the shallow water unable to reach Portsmouth, he returned to Newport. Then the whole French fleet sailed for Virginia, but this expedition failed too of its object, for the English fleet under Arbuthnot intercepted the French ships near the entrance of the Chesapeake, and on March 16, 1781, forced them to a naval action, in which the material advantage remained with the British. So Destouches returned to Newport without accomplishing anything. LaFayette, in the meantime, leaving his troops at Annapolis, whence they were to proceed down the bay in French frigates, which he supposed Destouches would send up, set out in advance with some officers and made his way to Williamsburg, and on the 19th crossed the James to Suffolk, and made a reconnoissance of Arnold's position.<sup>11</sup>

Returning to join his troops LaFayette learned of Destouches' retirement and proceeded to march northward with his detachment. But at the head of the Elk he received new and important instructions from General Washington. It had been ascertained that Clinton had dispatched General Phillips to take command in the Chesapeake, whose force combined with Arnold's would number something over 3,000 men. As this indicated an intention on the part of the enemy to prosecute operations in Virginia on a large scale, General Washington ordered him to carry out the former resolve of marching to the South. LaFayette accordingly faced about

<sup>11</sup>Burk, *History of Virginia*, IV, 454; Johnston, *The Yorktown Campaign*, 33.

and marched to Baltimore, where he borrowed £2,000 from the merchants to clothe his troops. These men were chiefly from New England regiments, who had no relish for a Southern campaign and showed a mutinous disposition. Many desertions occurred and LaFayette had to resort to extreme measures. He hung one and made the rest a speech in which he shamed them well for their unpatriotic behavior. This had a good effect and the Yankees turned over a new leaf and gave no more trouble. "All desertion ceased and not one of my men would leave me." Leaving his artillery to follow, he made forced marches by way of Alexandria, Fredericksburg and Bowling Green, and arrived with his troops at Richmond on the evening of the 29th of April, 1781.

In the meantime, with his army numbering 2,000 men, General Phillips arrived from New York and took command at Portsmouth, much to the relief of the British soldiers who did not like to be commanded by the traitor Arnold. With this addition the British forces now became a formidable army of invasion and until LaFayette arrived there was nothing to oppose them but a brave and exhausted militia. Phillips determined on offensive movements, and after still further strengthening the fortifications at Portsmouth until April 18, he embarked 2,500 men and commenced ascending the James River. Two of his divisions landed near Williamsburg, one entering the city April 20th, and the other, under the dashing Simcoe, proceeding to Yorktown, where they captured a few guns. Returning thence this detachment repaired to the State shipyard on the Chickahominy, where they burnt the stores and some shipping found there. They re-embarked on the 22nd., and two days later Phillips' army landed at City Point, anciently Charles City, an old settlement established at the mouth of the Appomattox by Sir Thomas Dale about Christmas, 1613. On the next day Phillips advanced to Petersburg.

This place was defended by Baron Steuben with a thousand raw militia, he having sent the regular force training under his command to the relief of General Greene, who had

succeeded General Gates in command of the Southern army. Although much inferior in numbers, Steuben's troops greatly surprised the British. For two hours they contested the ground on almost even terms, and then slowly retired beyond the Appomattox, destroying the bridge over which they passed to prevent pursuit.

Phillips entered Petersburg and destroyed a large quantity of tobacco and other stores. On the 27th he marched with one division to Chesterfield Court House, where he burnt the barracks and stores there. Arnold was dispatched with the other division to Osborne's, where he destroyed much tobacco, and shortly afterwards he performed his most brilliant exploit of destroying the marine force of the State, which had been concentrated at a point on the river a short distance above Osborne's.

Near a place called Warwick on James River, not far from Richmond, Phillips and Arnold united their forces on April 30, 1781, and marched to Manchester, where another considerable amount of tobacco was destroyed. They would probably have paid Richmond a second visit, had they not been informed of the arrival of LaFayette with his small body of Continental troops the day before. So returning to Warwick, they made havoc of the tobacco and fine mills at that place and the rope yard and the tan yard full of hides and bark. Arnold here crossed the river with 600 British regulars for the purpose of reconnoitering, but being charged by a patrol of sixteen horsemen under Major Nelson, they supposed the whole American army was upon them and fled to their boats. Ill-armed and untrained militia had often fled before inferior forces of British veterans, but the laugh was on the British this time by a reverse of the experience.

From Warwick the whole of the British armament proceeded to Bermuda Hundred opposite to City Point, at the confluence of the Appomattox with the James, and then fell down towards Williamsburg. But when they had reached Burwell's Ferry and when doubtless most people of the upper James

were congratulating themselves, that they had seen the last of this British invasion, the whole fleet turned about and came up the river again. On May 7, the vessels came to anchor before Brandon, where six days' provisions having been handed out to every man, the army was landed and began a second march to Petersburg, which they reached on May 9th, ten days after LaFayette reached Richmond. This officer, re-enforced by the militia but not strong enough to attack the British, took up his position at Wilton, seven miles below Richmond, where he watched with great eagerness the development of the British plan of operations.

The disheartening reverse movement of the British under Phillips had the following explanation: A boat arrived from Portsmouth conveying information of Lord Cornwallis' march from the South and bearing instructions for Phillips to wait for him at Petersburg.

It is not intended to go into the history of the war in the South. Gates, as we have seen, had been dreadfully defeated by Cornwallis at Camden, August 16, 1780, and later he had been succeeded by Nathanael Greene, of Rhode Island, on December 2, 1780. The Americans had gained victories at King's Mountain (October 7, 1780), and at Cowpens (January 17, 1781), but Greene had not been strong enough to meet Cornwallis with full forces in the field, so Cornwallis had pursued him to the Virginia line, and disappointed in not forcing him to a battle, had returned southward to Hillsborough.

Later he began his march to Wilmington, near the sea coast. Greene, re-enforced by Virginia militia, followed and sought a battle with him on March 15, 1781, at Guildford Court House, where the issue was hotly contested, for though the honors of the battle fell to Cornwallis, the material benefits fell to Greene. Cornwallis continued his march to Wilmington and Greene followed as far as Ramsay's Mills, where the American commander came to his celebrated determination to turn his back on Virginia, leave it uncovered, and carry the war into South Carolina.

His reason for the step, assigned to General Washington, was that it would compel Cornwallis to follow him, and thus free North Carolina from invasion, or else sacrifice all his posts in the interior of South Carolina and Georgia. From every standpoint this seemed a great military error. Greene left a hitherto unsubjugated state to recover states more or less exhausted. He left the center to defend the outskirts. The conquest of Virginia would have cut the Union in two and have prevented any assistance reaching the three Southern states, and had Virginia and the other Southern states been conquered the Northern states would have soon experienced a similar misfortune. His action might be compared to that of General Hood in 1864, when he left Sherman to make his march to the sea without opposition, while he went north to recover Tennessee. Both Hood and Greene suffered defeat, and the only difference was that Hood lost also the campaign, and Greene gained it. It is probable that but for the aid of Sumter and Marion, Greene's experience might have easily been Hood's. Greene's army combined with that of LaFayette would have made things in Virginia pretty warm for Lord Cornwallis, and Washington might not have been forced to abandon his plan of capturing New York and to come to Virginia. It is possible that two British armies might have been captured instead of one.

The march of Greene to the South was followed by the march of Lord Cornwallis in the opposite direction, northward into Virginia. This was not an element in the original plan of operations contemplated by Cornwallis and the British commander-in-chief, Sir Henry Clinton. Writing to Lord George Germaine of his move to Virginia Cornwallis explained it by saying that, in his opinion, "until Virginia was reduced we could not hold the more southern provinces and that after its reduction they would fall without much difficulty." That solid operations might be adopted in that quarter, he was induced to believe, he said, from dispatches of the commander-in-chief, the substance of which then transmitted to him was that

General Phillips had been detached to the Chesapeake and put under his orders.

Assuming thus the entire responsibility, and conscious that he would have at least received the approval of the home ministry, with whom he was a favorite, Cornwallis marched from Wilmington on the 25th of April, 1781, and on the 20th of May arrived at Petersburg, Virginia, where a junction was effected with the force there commanded lately by General Phillips, and now by Arnold, next in command, Phillips having unfortunately fallen a victim to a fever a few days before.<sup>12</sup>

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<sup>12</sup>Johnston, *The Yorktown Campaign*, 28.

## CHAPTER III

### MILITARY ACTIVITIES

#### PROPOSED EXPEDITION AGAINST DETROIT AND WAR WITH INDIANS ON WESTERN BORDER—CORNWALLIS IN VIRGINIA

In the meantime, while eastern Virginia was being invaded, stirring scenes were enacted in the region beyond the Ohio. After completing his capture of Vincennes, February 24, 1779, Clark turned his mind to the capture of Detroit, near Lake Huron, which was the capital of British power in the Northwest Territory. This he thought himself able to effect, with the recruits expected from Virginia, but not more than half the number counted on by Clark arrived, and he felt compelled by this fact and a fresh outbreak of the Indians on the Ohio to postpone his cherished expedition.

Though abandoned, the influence of the preparation for the expedition proved of great significance. Threatenings from Vincennes caused the British officials at Detroit to give up their plan for the recapture of that post. A similar campaign of regulars and Indians against Fort Pitt was likewise abandoned. The British were too busy strengthening their different posts to think of harassing the American settlers on the Ohio.

Instead, therefore, of leading a force against Detroit, Clark went up to the mouth of the Ohio, where, in accordance with instructions of Governor Jefferson, he constructed a fort, which he called Fort Jefferson. The idea of a post at this place for facilitating intercourse with the Spanish at New Orleans had occurred to Patrick Henry, and Jefferson's reasons for endorsing the project at this time were that the fort would

facilitate trade with Illinois and be near enough to furnish supplies to that territory, and that this fort, together with others to be established on the Ohio, would furnish a chain of defense for the western frontier and at the same time protect the trade with New Orleans.

On April 14, Clark set out from Louisville for the purpose of building this fort, which he finally located five miles below the mouth of the Ohio on the Iron Banks. Settlers were attracted to the locality through the present of 400 acres to each family. About this time Spain declared war against Great Britain, whereupon the British authorities organized a thorough-going attack on the Illinois territory and the Spanish posts in Louisiana. Colonel Clark hastened to the defense and the British were repulsed both at Cohokia and St. Louis, the latter a Spanish settlement.

The main body of the attacking force retreated rapidly in two divisions, one by the Mississippi, and the other directly across the country to Mackinac. Clark sent at once a force of 350 regular troops, aided by French volunteers from the Illinois posts, and Spaniards from St. Louis, under Col. John Montgomery against the Sauk and Foxes. Montgomery proceeded up the Mississippi and Illinois in boats as far as Peoria, from which they marched to the Indian villages on Rock River. After burning the towns Montgomery returned to his boats and the march back of 400 miles was accomplished after much suffering.

In the meantime scouting parties of Delawares and Shawnees were harassing the settlements in Kentucky, and early in May, 1780, Col. Henry Bird, with 150 whites and 1,000 Indians from Detroit, attacked Ruddle's and Martin's Stations, two small stockaded posts on the Licking. Resistance was hopeless against the British cannon and Bird set out for Detroit with much plunder and 100 prisoners. Many of the women and children, unable to bear the strain of the march, were killed by the Indians on the way to Detroit. Clark began at once the organization of a retaliatory expedition, and, clos-

ing the land office, he proceeded to enlist volunteers from the crowd who wanted an assignment of land. In spite of some discontent the call for volunteers was promptly met and 1,000 men were soon under arms. He was joined at the mouth of the Licking by Colonel Harrod, with 200 men and by Col. Benjamin Logan, second in command, who led his regiment from Boonesborough and adjacent towns in Kentucky to the same place. The soldiers took four days to march some seventy miles to the old Indian town of Chilicothe, where the crops and town were burnt. The army then pushed on to Piqua, a few miles distant on the Big Miami, where a battle ensued in which the Indians were defeated. After the destruction of Piqua with its corn fields, Clark returned to the mouth of the Licking and disbanded his army. There he learned that, during his absence, Fort Jefferson had been attacked by a force of Chickasaw and Choctaw Indians, led by Colbert, a Scotchman. There were only a few men in the fort at the time, commanded by Capt. Robert George, but they fought desperately and after six days the Indians withdrew.

The letters of Governor Jefferson at the time show the interest which he took in the conquest of the West, and his instructions to Clark and others are splendid proofs of his mastery of the situation.<sup>1</sup> With a full appreciation of the significance of the capture of Detroit, he proceeded, notwithstanding the many difficulties by which he was surrounded, to make provision for a renewal of the attack upon the seat of British power in the Northwest. Full instructions were drawn up by him under which Clark was to advance with 2,000 men into the hostile territory at the earliest practicable moment after the opening of navigation in 1781. The Western army was to be composed of the Illinois Regiment, Crockett's battalion, Major Slaughter's corps and detachments from the militia of the counties of Fayette, Lincoln, Jefferson, Ohio, Monongalia, Hampshire, Berkeley, Frederick and Greenbrier.

<sup>1</sup>George Rogers Clark Papers, By James Alton James, Illinois Historical Collections, October, 1912.

Next to Clark was the brave Colonel Gibson. The different bodies of troops were to rendezvous at the Falls of the Ohio by March 15, 1781. Clark proceeded to Richmond to consult with Jefferson over the matter, and while there took part in the defense of the State against the invasion of Benedict Arnold. Washington cordially responded to the appeal of Jefferson and ordered Colonel Brodhead at Fort Pitt to give the enterprise every possible assistance, by furnishing upon Clark's order the supplies asked for and a detachment of continental troops, including a company of artillery as large as could be spared. On January 22, 1781, Jefferson, with the advice of his council, made Clark a Brigadier-General of the "forces to be embodied on an expedition west of the Ohio."

This action completed an effective military organization in the West. In the preceding November, the Legislature of Virginia divided Kentucky into three counties—Fayette, Jefferson and Lincoln. John Todd, Jr., was appointed county lieutenant of Fayette County, with Daniel Boone for his lieutenant colonel; John Floyd was made county lieutenant in Jefferson County; and Benjamin Logan in Lincoln County. Clark was put over the three as supervising officer.

Clark set out for Fort Pitt to take charge of the expedition, but all sorts of difficulties arose. The militia of Berkeley, Frederick, Greenbrier and Hampshire counties showed decided opposition to the draft, and an attempt to collect provisions and men in the last county resulted in an armed mutiny. Lest an attempt at enforcement of his orders should lead to general disobedience, Jefferson issued a call for volunteers, but many did not respond. Moreover, the men constituting the regiment of regular troops under Colonel Crockett, suffered for want of suitable clothing and were without shoes. Brodhead, at Fort Pitt, was opposed to parting with any of the Continental troops, and Clark, despairing of accomplishing his designs in the face of so many difficulties, set out in August, 1781, for Louisville with only 400 men. This number was little more than adequate to guard the boats which

contained supplies for fully 2,000 men. He experienced another set back when a body of 107 Pennsylvania volunteers under Col. Archibald Lochry, who were descending the Ohio to join him, were attacked by the Indians and were either killed or made prisoners.

Under these conditions, by order of the Assembly, the expedition against Detroit was again postponed; but Clark's activities had served at least as a defense to the frontiers. Rumors of his expedition against Detroit put the British and their allies on the defensive and served as a protection to the settlements.

More success attended the efforts of Col. Arthur Campbell in the Southwest. In January, 1781, he led an expedition into the country of the Cherokees, who were preparing for fresh hostilities. Their towns were destroyed, their fields ravaged, several of their warriors were slain, and many others taken prisoners. The two Carolinas inflicted similar blows on their turbulent neighbors, and a peace necessary on both sides was the consequence.

At the beginning of the year 1781 Virginia took the initial step of devolving upon the United States the responsibility for preserving order and peace in the territory acquired by her across the Ohio.

Besides Virginia, Connecticut, Massachusetts and New York put forth claims to the Western territory. Maryland, thereupon, declared her unwillingness to sign the Articles of Confederation without a surrender to the United States on the part of Virginia and the other three of their claims to the Western country. She contended that whatever was gained by the war was in the nature of "a common estate to be granted out on terms beneficial to all of the United States." Other states took sides with Maryland, and on September 6, 1780, Congress, through resolutions, expressed the hope that those states which had claims to the Western country would make a liberal surrender in favor of peace and Federal union.

Now, as a matter of fact, Virginia was the only one that

had any substance in her claim. She had conquered the country and had it in actual possession by a line of forts commanded by Virginia troops. The claims of Connecticut, Massachusetts and New York were about as shadowy as they could be; and when therefore Virginia agreed on January 2, 1781, to yield all her right, title and claim to the lands northwest of the Ohio, she made a real sacrifice in the interest of peace and union. The claims of Massachusetts and Connecticut were mere charter claims without actual possession, and the claims of New York were based on old Indian treaties, which were of no real importance. As to Maryland, her plea for the Union was one originating only in jealousy of her neighbor, Virginia. Maryland had done nothing to acquire the Northwest territory, and by withholding her signature from the Articles of Confederation she acted, to say the least, in no very patriotic manner. And even if her course led to a "national sovereignty," so much commended by John Fiske, Herbert Adams, and other writers, it was only incidental to the real motive which governed her and she deserved no great credit for it.

As early as July 9, 1778, Virginia had ratified the Articles of Confederation, which proposed the first written form of government for the new nation, and later the General Assembly offered to furnish land, free of cost, out of the territory acquired by Clark to the Continental troops of such of the Confederated States as had no lands appropriated to that purpose.

Governor Jefferson heartily endorsed the resolutions surrendering the Northwest Territory to the Union and was probably the instigator of the measure. From the very first he had stood by Clark in his plan of extending Virginia sovereignty to the far West, and his eager patriotism sympathized with its alienation to Congress for the common benefit of a Union which his hopeful nature idealized.

Taking up the events in Eastern Virginia again, when Cornwallis entered the state he found for his antagonist the youthful LaFayette. He belonged to a noble family in France,

and was born in 1757, so that at this time he was 24 years of age. In 1776, when 19 years of age, he was stationed on duty at Metz as an officer in the French army, and it was there that he first understood the merits of the American struggle. His curiosity was deeply excited by what he heard, and the idea of a people fighting for liberty had a strong influence upon his imagination. He determined to go to America and offer his services to the people who to him seemed to be enlisted in a noble cause. On his intention becoming known to the French Government, his departure was prohibited, but, after failing in one attempt, he succeeded in quitting France in the disguise of a courier, and with De Kalb and other foreign officers he sailed to this country from the Spanish port of Passage, in April, 1777. Congress made him a Major-General and soon he became a warm friend of General Washington. At Brandywine he fought his first engagement, in 1777, and was wounded. He shared in the hardships of the army at Valley Forge in the winter of 1778, and fought at Monmouth and in Rhode Island in the same year.

In 1779 he returned to France, where his influence was exerted to obtain the first French reinforcements for America, under Rochambeau, and in 1780 he came again to the United States. He was placed by Washington at the head of a select body of troops, known as the Corps of Light Infantry. With these troops he appeared as we have seen in Virginia and was in Richmond at the time Cornwallis reached Petersburg.

The British had a formidable army comprising, inclusive of the garrison at Portsmouth, 7,000 trained troops. To this body LaFayette could only oppose the 900 men of the Light Infantry and about 2,100 men of the militia, that being the whole number that Governor Jefferson could fully arm until the arrival of 1,100 stand of arms belonging to the state, from Rhode Island. Very few days elapsed between the arrival of Lord Cornwallis in Petersburg and the commencement of his offensive operations. He crossed James River at Westover, employing nearly three days in the transportation.

Three regiments under Leslie had just arrived from New York; one of these joined Cornwallis and the other two were ordered to Portsmouth, of which the defense was entrusted to General Leslie. Arnold returned to New York, whence he not long after led an expedition to devastate his native state of Rhode Island. The object with Lord Cornwallis was to bring LaFayette to an action and as LaFayette, with his much inferior force, did not care for this, there occurred in Virginia between LaFayette and Cornwallis a race similar to that which occurred between Greene and Cornwallis in South and North Carolina.

When Cornwallis crossed the James, LaFayette retired from his position below Richmond across the Chickahominy and advanced towards Fredericksburg to form a junction with General Wayne, who had received orders from Congress many weeks back to reenforce the Southern Army with his Pennsylvania contingent, and now by order of General Greene was placed under LaFayette in Virginia.

Twenty miles east of LaFayette, marched the British. On the 27th they encamped near White Oak Swamp, and on the 28th they were at Bottom's Bridge on the Chickahominy. On the 29th they reached New Castle on the Pamunky, and on the 30th they arrived at Hanover Court House. At Page's, the present Hanover Town, and Aylett's Warehouse, a large quantity of tobacco was destroyed. Cornwallis then pushed on to the North Anna, encamped in the vicinity of Hanover Junction on the 1st of June, and threw Tarleton and Simcoe with their cavalry forward to ascertain LaFayette's position.

LaFayette had retreated rapidly and could not be overtaken. On the 27th he encamped at Winston's Bridge on the Chickahominy, twenty miles west of Bottom's Bridge, and eight miles north of Richmond. From Winston's Bridge he turned on the 28th to the left and marched to Dandridge's, where Gold Mine Creek runs into the South Anna. On June 2, he was at Mattaponi church in Spottsylvania County, and on the 3rd he reached Corbin's Bridge on the Po in that county,

where he wrote to Morgan to move the Burgoyne prisoners from the Shenandoah Valley into Maryland as soon as possible as Cornwallis might attempt their rescue. Not long before these prisoners had been removed from Charlottesville to Winchester.

On the 4th, continuing his march through Spottsylvania, LaFayette crossed the Rapidan at the well-known Ely's Ford, twenty miles from Fredericksburg, and here Wayne was heard from, marching down from the North to the Potomac. The union was effected on the 10th of June, about twelve miles south of Raccoon Ford, on the Rapidan.

Wayne's forces, organized since its mutiny in January, consisted of three regiments, in all 1,000 men, commanded by the brave and experienced Colonels Richard Butler, Walter Stewart and Richard Humpton. Nine officers and 90 men, with 6 field pieces from Proctor's Fourth Continental Artillery completed the detachment. Like the troops of LaFayette, they came to Virginia very unwillingly. Certain leaders among them went so far as to manifest the old dangerous spirit of insubordination, which called for and received prompt and effective treatment. A drumhead court martial was held in camp and seven of their number tried and executed.

On the retreat, LaFayette received a most important addition to his number through Lieut.-Col. John Fenton Mercer, who had served with distinction in the Northern Army, and brought with him a troop of dragoons mounted and equipped at their own expense, who served the valuable purpose of observation. The need of such a body was strikingly manifested after their arrival. Just before they came, LaFayette was overtaken on the north side of Pamunkey River by a detachment of the British light troops under Tarleton. He supposed that the main body of the pursuing army was upon him, and, with presentiments necessarily of a gloomy nature, he drew up his little army in order of battle. The arrival of Colonel Mercer soon enabled him to discover the true state of

things. Not a moment was lost, and LaFayette pushed on with additional vigor and celerity.<sup>2</sup>

When Cornwallis reached the North Anna in the County of Hanover, seeing that his pursuit was unavailing, he suddenly altered his plan of operations. As he could not force a battle he determined to do all the damage he could, and in the execution of this design he sent out two considerable detachments from his army. One of these amounted to 500 men, part of the Queen's Rangers, Infantry and Cavalry, and part of Yagers, placed under the command of Lieutenant-Colonel Simcoe, an officer of great activity and singular fitness for strategem or surprise. The other detachment was placed under the dashing Lieutenant-Colonel Tarleton, and consisted of 180 cavalry of the Legion, and 70 mounted infantry of the Third Regiment, headed by Captain Champagne.

The former of these commands was sent to the Point of Fork, where the Fluvanna enters the James. At this place a state arsenal had been established and military stores collected for the aid of the Southern army in the Carolinas. Baron Steuben had the protection of this important post, with about 600 new levies, originally intended for the Southern army. To this rendezvous the militia under General Lawson, amounting to the same number almost, had been directed to march.

Tarleton, on the other hand, received orders to surprise, take or disperse the members of the General Assembly, then convening at Charlottesville, and to seize on the person of Governor Jefferson, who resided in the neighborhood. After destroying all military stores and other resources likely to enable the Americans to pursue the existing struggle, he was to join Simcoe and assist his intended operations.

This double movement left Steuben's situation unusually perilous. The want of cavalry rendered it a matter of extreme difficulty to the Baron to obtain the correct information re-

<sup>2</sup>Burk, *History of Virginia*, IV, 492-496; Johnston, *The Yorktown Campaign*, 38-40.

specting the British, but he became apprised of Tarleton's rapid advance, and imagining himself the immediate object of it, he lost no time in transporting his stores to the south side of the Fluvanna, and followed them with the whole division under his command.

Simcoe's main object was thus frustrated, but by advantageously displaying his force on the heights opposite to Steuben, and by making numerous fires, he induced the Baron to believe that the whole British army was upon him. Retreating, therefore, precipitately during the night, the Baron never stopped until he had gone thirty miles from the Point of Fork, abandoning to the British such stores as could not be removed.

The advance of Lieutenant-Colonel Tarleton on Charlottesville was no less rapid than the movements of Simcoe. He took the road to Louisa Court House on June 3rd and by 11 o'clock at night he reached its neighborhood, where he stopped only three hours. Resuming his march at 2 in the morning and moving onward with his usual celerity, he soon captured twelve wagons laden with clothing for the Southern army, which he immediately burnt. Further on near Charlottesville, he captured a number of gentlemen who had taken refuge in the county from the lower country. The capture of these gentlemen and the time required in parolling a part and placing the rest under an escort entailed a delay, which, with another circumstance, rendered his incursion of inconsiderable effect.

That circumstance was this: A private gentleman, John Jouett, happened to be at the Cuckoo Tavern in Louisa when the detachment under Tarleton passed along the main road. Acquainted with every path and by-road, in that part of the country, and mounted on a very fleet horse, Jouett hastened to Charlottesville by a disused and shorter route, and made known the approach of the British several hours before they actually arrived. The speaker of the Assembly, Benjamin Harrison, was dining with Mr. Jefferson at the time, and warned by Jouett of the impending danger, he hastened to Charlottesville and called the Assembly together, who

promptly met and adjourned to meet at Staunton, in the County of Augusta, on the 7th of June. Most of the members, hastening away, eluded Tarleton's grasp, but a few fell into his hands, as well as some officers and soldiers, whom a laudable desire to remove or otherwise secure the public stores made unmindful of their personal safety.

Elated with his prospects, Tarleton, before reaching Charlottesville, had detached McLeod to Monticello, the well-known seat of Mr. Jefferson. Mr. Jefferson no longer was to be considered as the governor of the State, since his constitutional term of office had expired on June 1. He managed to move his family in time, and McLeod after remaining about eighteen hours, retired and rejoined Tarleton. Tarleton had given strict orders that nothing at Monticello should be injured and McLeod seems to have carried them out to the letter.<sup>3</sup>

It is too bad that this honorable regard for private property was not persisted in by the British. Everywhere else great excesses were committed and by an estimate made at this time the State of Virginia lost through devastation of the British during the six months previous to their surrender at Yorktown property amounting in value to £3,000,000 sterling. 30,000 slaves were also lost during the British invasion, of whom 27,000 are said to have died of smallpox and camp fever. And yet these losses were nothing compared to the depredations suffered by Virginia at a later time at the hands of the troops of the United States in the war for Southern independence.

Tarleton, rejoined by McLeod, recrossed the Rivanna and proceeded towards the Point of Fork in compliance with his instructions to rejoin Cornwallis and Simcoe. "Elk Hill," where his lordship was encamped, was one of the estates of Mr. Jefferson, and during the four days of his stay he carried away practically all the stock, growing crops of corn and tobacco, and burned the fences and all the barns so as to leave it an absolute waste.

<sup>3</sup>Randall, *Life of Jefferson*, I, 336 et seq.

On the other hand, the Marquis de LaFayette, having effected his junction with General Wayne, lost no time in advancing towards James River so as to throw himself between Lord Cornwallis and Albermarle Old Court House, where great quantities of supplies were stored. Reaching Mechunk Creek, thirteen miles east of Charlottesville, he entrenched himself in an impregnable position behind it, commanding the direct route from the British camp to the Old Court House.

Here LaFayette was reenforced by 600 mountain riflemen from Augusta and adjacent counties, under the command of General William Campbell, of King's Mountain fame.

Interest centered now on the enemy's next move. The increasing numbers of LaFayette's army appears to have impressed Cornwallis with the danger of making any further detachments, and it remained to be seen whether Cornwallis would advance upon and engage LaFayette, or whether he would turn back towards the coast.

All doubt upon these points was solved on the 15th when Cornwallis broke camp at "Elk Hill," and faced eastward towards Richmond. Here finally was a retrograde march by the enemy, a favorable turn apparently for affairs in Virginia. The American troops and people alike regarded it with relief and satisfaction, and naturally construed the movement into an admission on the part of Cornwallis that he had been disappointed in failing to destroy all the magazines or finding a loyal element in Virginia ready to support the king's authority when established. The growing proportion of LaFayette's forces was also supposed to have moderated his inclinations, but, of course, Cornwallis had not suffered any defeat and he still retained a decided superiority over his opponent in numbers and equipment. Doubtless he supposed he had done all the damage that was prudent at this time, and that it was the part of wisdom now to retire to some station convenient on the coast, where he might arrange further plans with the commander-in-chief, Sir Henry Clinton, in New York. As he

moved eastward, Tarleton and Simcoe with their respective detachments covered the flanks and rear of the army.

LaFayette followed, hanging upon Cornwallis' rear, but at a safe distance, for his forces were still weak in quality compared to the British regulars, and he could do little more than watch and skirmish. His strength increased hourly, however, as fresh accessions of riflemen swelled his numbers.

On the 16th of June, Lord Cornwallis entered Richmond where his troops were allowed a few days repose. At this time LaFayette was encamped on Allen's Creek, in Goochland County, at a distance of only twenty-two miles from the main hostile army. On the 17th, his camp was once more at Dandrige's on the South Anna, in Hanover County, northwest of Richmond, with detachments and patrols well thrown out towards the enemy. One of these parties, 400 strong, under Muhlenberg, tempted Tarleton who was posted at Meadow Bridge on the Chickahominy, and on the 18th he made a forced march to surprise them. Hearing of this, LaFayette dispatched Wayne with the Pennsylvania troops and light infantry to intercept him, but Tarleton missed Muhlenberg, who retreated in time, and Wayne missed Tarleton, who had also turned back.

On the 19th General Steuben with about 450 Virginia eighteen months men joined LaFayette, increasing the American force to 2,000 continental and 3,200 militia and riflemen. In point of numbers, however, and efficiency, LaFayette was still inferior to the British.

After a short halt in Richmond, on the 20th of June, Cornwallis resumed his retrograde march moving directly towards Williamsburg, his action having the appearance of neither haste nor fear. LaFayette, who changed his camp every day, continued to follow, his advance entering the town twenty hours after the enemy had left.

It had now been a month since the arrival of Lord Cornwallis in Petersburg. The immediate and obvious result was

almost wholly in his favor, and such had been the aspect of things during the invasions of Leslie, Arnold and Phillips.

It was Mr. Jefferson's fortune to fill the executive office in Virginia during the most perilous and disastrous period of the Revolutionary War. In Continental affairs, north and south, things appeared to be at the last ebb. There was a small northern army under Washington and a small southern army under Greene, and while the former was largely dependent upon supplies from Virginia, the latter was dependent on her not only for supplies but for recruits. The result was that practically everything was sent out of the state men, cannon, powder, bayonets and all other military equipment. This was done at Washington's request and with his approval. Men drafted for the regular regiments and considerable detachments of militia were sent to the south, while hundreds of wagons conveying provisions went the same way. While such exertions were made to assist other states and to defend our eastern borders, Virginia had also to oppose a powerful enemy on her western frontier. The English and Indians by threats of attack paralyzed the energies of the western counties.

Thus the state exhausted by her efforts to assist her sister states, almost stripped of arms, without money, harassed on on all sides with formidable invasions, became dissatisfied and discouraged. It is natural that some people not informed of the facts should hold Mr. Jefferson accountable. He could not be blind to this, and at an early date expressed his determination to decline a re-election when his second year was out.

When Cornwallis invaded the state and forced the Legislature to flee from Richmond to Charlottesville, and from Charlottesville to Staunton, this discontent, and anxiety, it may be said, to find a victim, took shape in a resolution of the House of Delegates, offered by George Nicholas and adopted on June 12, 1781, that "an inquiry be made into the conduct of the Executive of this State for the last twelve months." Some

talk was had of appointing Washington dictator, but this was dropped, in face of the violent opposition which developed.

Mr. Jefferson would not offer for re-election and demanded an inquiry, so in November of the next session, the House appointed a committee consisting of John Banister, John Tyler, George Nicholas, Turner Southall and Haynes Morgan, to report to the House any charge against Mr. Jefferson, if any could be found, and although Mr. George Nicholas, as has been seen, was a member, the committee unanimously reported that the rumors in question were "groundless," and thereupon on December 19, 1781, the sincere thanks of the Senate and House, constituting the General Assembly, were voted Mr. Jefferson for his "impartial, upright and attentive administration of the powers of the executive while in office."

John Tyler, a member of the committee, was made speaker December 1, 1781, and when the committee reported, he voiced the thanks of the Assembly to Mr. Jefferson, from the speaker's chair, in a "warm and affectionate manner."<sup>4</sup>

As to Mr. Nicholas, he not only failed to press any charges, but afterwards made a full retraction, and became one of the staunchest and most efficient of Mr. Jefferson's band of devoted personal and political friends.

In after years, the enemies of Mr. Jefferson were very fond of recalling his resignation at this time as evidence of his inefficiency or incapacity, making many ugly additions to the story; but history affords many instances of popular clamor demanding a victim in similar circumstances. Probably one of the severest misfortunes which befell the South in the war for Southern Independence was the removal of Gen. Joseph E. Johnston from command of the army opposed to Sherman. This was done reluctantly by President Davis to satisfy a senseless public clamor which threatened serious consequences.

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<sup>4</sup>"Jefferson and His Detractors," in *Tyler's Hist. and Gen. Quarterly*, II, 153-154.

During 1780, the depression was so great in continental affairs that there were many criticisms of Washington, and some looked around for a successor.

The matter of Mr. Jefferson's resignation would not be considered further except for a criticism of Dr. H. J. Eckenrode, in his *Virginia in the Revolution*. This criticism, unlike those of so many who have given no real study to the matter, is worthy of special notice, because Dr. Eckenrode is a scholar and thinker, who clothes himself with an air of fairness that gives weight to his language. Thus he admits that Mr. Jefferson had an exceptionally difficult position to fill and rejects with contempt the malicious charge brought by Goldwin Smith of a lack of bravery on the part of Jefferson. He recognizes the geographical weakness of the state, which enabled an enemy having a superior naval force to strike almost anywhere by means of the great rivers and navigable creeks which penetrated the country. He recognizes the difficulty of having to contend with a currency which about this time had dreadfully depreciated, and he even says that "few more conscientious and industrious executives than Jefferson ever lived." Nevertheless he proceeds to charge, what is not exactly in harmony with these admissions, that "Jefferson did not do all that an able and tactful man might have done to prepare for invasion." His grounds for this decision appear to be as follows:

1. Mr. Jefferson should have pleaded with the Legislature for a "stronger policy" and caused them to remedy the confusion which reigned in all the departments, but Dr. Eckenrode gives himself the answer to this complaint. "Perhaps the evils were too great to be remedied," and he further says that "it would have been a great, perhaps an impossible task to provide an adequate defense for the state." Now why should Jefferson have attempted to do something which Dr. Eckenrode regards as "perhaps impossible?" The lack of system prevailed in all the other states and in continental matters as much as it did in Virginia. It was unfair to put on

Jefferson the blame of constitutional and legislative defects for which he was in nowise responsible.

2. The next objection of Dr. Eckenrode seems to consist in Jefferson's not providing "a small well-trained force" for the defense of the state in preference to the militia. Calling out the militia for short terms was not only a very expensive mode of providing defense, but a very precarious and unsatisfactory one. That was true, but the answer to this is evident. The treasury being raided by all sorts of demands, was always in a depleted condition, and no adequate force could have been kept up, without the willingness of the legislature to provide the means. The accessibility of the state to invasion would have required a very large force to have been of any protection whatever against such sudden attacks as were made by the British. The only real defense would have been a superior naval force which would have prevented the ubiquity of attack that the rivers and creeks of the Commonwealth rendered possible. This geographical weakness of the state to provide against sudden inroads was as much admitted<sup>5</sup> by Gen. Thomas Nelson when governor as by Jefferson. If Jefferson abdicated his duty as an executive, as Dr. Eckenrode seems to think, it is very evident that he had in mind the treasury, which was the special duty of the legislature, not the governor, to keep intact. Moreover, policy had to be considered. Hatred of a standing army and faith in the militia amounted with the people of Virginia to principles inherited from past experience with governmental tyranny. They long prevailed in the politics of the State.

3. As to the next objection of Dr. Eckenrode that Jefferson "lacked the quality of assuming responsibility in a crisis" and in fact was not autocratic enough, it may be answered that Jefferson had taken an oath to support the constitution, and this constitution associated with him in the administration of affairs both the council and the legislature. Now I do not suppose that Dr. Eckenrode would have wished Mr. Jeffer-

<sup>5</sup>*Tyler's Historical and Gen. Quarterly*, IV, p. 415.

son to play Napoleon, but he fails to make clear to any degree how far he wanted Mr. Jefferson to go in ignoring these factors in the government. Jefferson himself justified an assumption of power when a mere form was considered, and his administration shows that he did repeatedly assume authority when such was the case. Indeed, it is rather amusing to see him condemned by Dr. Eckenrode for not exceeding his power as governor and by Federalistic writers, like Henry Adams, for exceeding his powers as president.

4. Finally Dr. Eckenrode claims that in the great danger threatening the state under invasion, Jefferson should have stopped sending supplies and men to the Southern army and saved them for the state of which he was governor. But the answer to this is that in acting as he did he obeyed the wishes of the commander-in-chief, General Washington. Governor Jefferson understood perfectly the danger to which his own state was exposed, but what was he to do when the Commander-in-chief of the army made imperative his duty of providing for Greene's battalions?

In a letter to Governor Jefferson, dated February 6, 1781, Washington wrote:

“But as the evils you have to apprehend from these predatory incursions *are not to be compared to the injury of the common cause*, and with the danger to your State in particular, from the conquest of the States to the southward of you, I am persuaded the attention to your immediate safety will not divert you from the measures intended to reinforce the Southern army, and put it in a condition to stop the progress of the enemy in that quarter. The late accession to force makes them very formidable in Carolina, too powerful to be resisted without powerful succors from Virginia; and it is certainly her policy, *as well as the interest of America, to keep the weight of the war at a distance from her*. There is no doubt that

a principal object of Arnold's operations is to make a diversion in favor of Cornwallis, and to remove this motive, by disappointing the intention, will be one of the surest ways of removing the enemy."

And in a letter to Baron Steuben, then in military command in Virginia, dated February 20, 1781, Washington used the following language:

"The effect of deranging the measures of the state for succoring General Greene was to be expected. It is however an event of the most serious nature; and I am persuaded, if the enemy continue in the State, as their force is not large, you will do everything in your power to make the defence of the State as little as possible interfere with an object of so much the more importance, as the danger is so much the greater. From the picture General Greene gives of his situation, everything is to be apprehended if he is not powerfully supported from Virginia."

These letters were written while Arnold was in Virginia with his army entrenched at Portsmouth.

It is to be observed that General Washington based his habitual advice to the Virginia Executive on two grounds. One was that "the common cause" demanded every sacrifice ahead of any special interests, and the second was that after all the immediate safety and policy of Virginia required her to spend her last effort "to keep the weight of the war at a distance from her."

The comparative feebleness of the states to the south of Virginia doubtless gave rise to Washington's belief that without aid from somewhere they could be made subject permanently to the British, but the actual subjugation of Virginia, so strong and united, was a consequence only remotely to be considered. Mere incursions, or invasions by the British,

marching about from one place to another without actually securing what they had taken possession of, never could result in a conquest of the "Old Dominion."<sup>6</sup>

At the session at Staunton, General Thomas Nelson, Jr., was elected governor of the State. He had all along under Henry and Jefferson practically the control of the militia, and his elevation to the governorship did not make much material change in his authority. Obedient, however, to the voices of complaint he exercised without stint the power vested not in him alone, but in him and his council, of impressing provisions and equipment for the French and American armies, who soon arrived to besiege the British at Yorktown. But though he appears to have been successful, it was often regrettably at the price of the liberty of the citizen and the encouragement of a host of pillagers in the shape of "many continental officers, soldiers, commissaries, quartermasters, and other persons," making a pretense of authority.<sup>7</sup> Indeed, despite his disinterested and patriotic purposes, it was probably a fortunate thing that General Nelson's ill health compelled his resignation only a few months after his election; otherwise he might have been overwhelmed with the resentments of the people.

How far others were affected by Nelson's disregard for the law was shown by the actions of General Wayne and his Pennsylvania troops, who were almost as bad as the British in plundering private property and taking to themselves supplies intended for the Virginia militia. Nelson was compelled

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<sup>6</sup>Dr. Eckenrode entitled his chapter detailing the incidents of Cornwallis' invasion "The Fall of Jefferson." About a year after his declination, Jefferson was elected by the Legislature to Congress; from Congress he was sent as ambassador to France; from which place he returned to become leader of the Democratic Party, not in Virginia alone but in the United States, and with a promise of honors still to come that few men have ever attained. If Jefferson "fell," the law of gravitation must have some way gotten turned upside down, for he fell upwards instead of downwards.

<sup>7</sup>See preamble to act in Henning Stats. at Large, X, 496.

to address a letter to LaFayette bitterly complaining of this piratical conduct.<sup>8</sup>

But to return to the American army which we left several pages back following Cornwallis and his army down the Williamsburg Peninsula, LaFayette's army at this date was composed of about 4,500 men, divided as follows: the continental soldiers, 1,550 men, consisting of the New England light infantry under Muhlenberg and the Pennsylvania line under Wayne; three Virginia brigades, commanded by General Edward Stevens, 650 men, Gen. Thomas Lawson, 750 men, Gen. William Campbell, 780 men; and a Virginia continental regiment of 18 months men commanded at the time by Col. Christian Febiger, but generally by Lieutenant-Colonel Thomas Gaskins, 425 men. The artillery detachment from the Second and Fourth Continental Regiment was 200 strong, with 8 or 10 guns. The regular cavalry was represented by only about 120 horsemen, including volunteer dragoons.

The retirement of Cornwallis was marked by a skirmish which occurred at Spencer's Ordinary, near Williamsburg, on the 26th of June. On the day before, Simcoe's rangers had been collecting cattle and burning stores in the country and LaFayette dispatched some 50 of the light infantry on horseback behind as many dragoons to cut him off from Williamsburg, where Cornwallis had arrived on June 25th. A brief hand to hand cavalry skirmish ensued, in which the loss on each side was about 30.

During the 10 days of his stay in Williamsburg Cornwallis did not appear improved in his conduct. If we may believe St. George Tucker, a lieutenant-colonel of militia and a resident of the city, "pestilence and famine took root and poverty brought up the rear. The British plundered the houses and scattered smallpox everywhere they went." Lord Cornwallis turned Mr. Madison, the president of the College and his family out of their house, and forbade them to get water from their own

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<sup>8</sup>Nelson's Letter Book, *Letter to LaFayette*, August 3, 1781. (Published in *Tyler's Historical and Genealogical Quarterly*, IV, p. 416.)

well, but happily the College afforded them a dwelling until his lordship departed.<sup>9</sup>

To add to the catalogue of mortifications, the British constrained all the inhabitants of the town to take paroles which, because it made the takers subject to the penalties of treason, had been found by experience to have a weakening effect upon the allegiance of the citizens. Jefferson during his term of office as governor had found it necessary to meet this policy of the British by a proclamation that such paroles had no binding effect upon the people and would not be respected by him.

July 4, 1781, Cornwallis left Williamsburg and proceeded to Portsmouth by way of Jamestown. On the way to the latter place, he was attacked by the Americans under LaFayette at the "Church on the Main," near Green Spring but the assailants were driven back with considerable loss. Afterwards, Cornwallis, under orders from Sir Henry Clinton at New York, transported his troops from Portsmouth by water to Yorktown and threw up intrenchments. Here he fell a victim to the strategy of General Washington and the combined power of America and France. LaFayette, who commanded the American troops in Virginia, watched him at a safe distance, and on September 6, his army, reinforced by 3,000 men, under General St. Simon from the French fleet under Count de Grasse, lay in small detachments encamped on the road from Green Spring to the "half-way house," six miles from Yorktown. General Washington's army was at the head of the Chesapeake Bay, preparing to move by water, and the commander-in-chief and General Rochambeau were on the way by land, in advance of their troops.

September 15, Colonel St. George Tucker wrote as follows:

"I wrote you yesterday that General Washington had not yet arrived. About four o'clock in the afternoon his approach was announced. He had passed our

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<sup>9</sup>Hunt, *Fragments of Revolutionary History, Mercer's Account*, pp. 29-62.

camp, which is now in the rear of the whole army, before we had time to parade the militia. The French line had just time to form. The Continentals had more leisure. He approached without any pomp or parade, attended only by a few horsemen and his own servants. The Count de Rochambeau and General Hand, with one or two more officers were with him. I met him as I was endeavoring to get to camp from town, in order to parade the brigade; but he had already passed it. To my great surprise, he recognized my features and spoke to me immediately by name. General Nelson, the Marquis, etc., rode up immediately after. Never was more joy painted in any countenance than theirs. The Marquis rode up with precipitation, clasped the General in his arms, and embraced him with an ardor not easily described. The whole army and all the town were presently in motion. The General, at the request of the Marquis de St. Simon, rode through the French lines. The troops were paraded for the purpose, and cut a most splendid figure. He then visited the Continental line. As he entered the camp the cannon from the Park of Artillery and from every brigade announced the happy event. His train by this time was much increased; and men, women and children seemed to vie with each other in demonstrations of joy and eagerness to see their beloved countryman. His quarters are at Mr. Wythe's (George Wythe's) house. Aunt Betty has the honor of the Count de Rochambeau to lodge at her house. We are all alive and so sanguine in our hopes that nothing can be conceived more different than the countenances of the same men at this time and on the first of June. The troops which were to attend the General are coming down the bay—a part, if not all, being already embarked at the Head of Elk. Cornwallis may now

tremble for his fate, for nothing but some extraordinary interposition of his guardian angels seems capable of saving him and the whole army from captivity.”

September 22, the army of General Washington arrived at Jamestown and camped on the banks of the river. September 27 they marched through the city of Williamsburg, and Dr. James Thacher, a surgeon, gave this account of his impressions of the place:

“This is (was) the capital of Virginia, but in other respects is of little importance. It is situated on a level piece of land, at an equal distance between two small rivers, one of which falls into York, the other into James River. The city is one mile and a quarter in length, and contains about two hundred and fifty houses. The main street is more than one hundred feet in width, and exactly one mile<sup>10</sup> in length, at one of the extremities, and fronting the street, is the Capitol, or State House, a handsome edifice, and at the other end is the college, capable of accommodating three hundred students, but the tumult of war has broken up the institution. The college is about one hundred and thirty feet in length and forty in breadth, with two handsome wings fifty by thirty.<sup>11</sup> Their library is said to consist of about three thousand volumes. Near the centre of the city is a large church, and not far from it the palace, the usual residence of the Governor, which is a splendid building. The water in this vicinity is extremely brackish and disagreeable. This part of the State of Virginia is celebrated for the excellent tobacco which it pro-

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<sup>10</sup>The real length of the main street was seven-eighths of a mile.

<sup>11</sup>The front of the college was 136 feet by 40 feet, and the wings (chapel and hall) were 60 by 25 feet, outside measurement.

duces,<sup>12</sup> and this is their principal staple commodity, though the culture of cotton receives some attention.”

After camping for the night three-quarters of a mile east of Williamsburg, (near Fort Magruder), the combined armies took up their march, Sept. 28th to Yorktown, and about noon the heads of the columns reached their respective stations. The French corps consisting of about 7000 men, extending from the banks of the river on the west of Yorktown to Beaverdam Creek, began the investment. The next day the American army completed the investment by occupying the space between the east side of Beaverdam Creek and the banks of the river below the town. On the west side of the river opposite to Yorktown 3000 men were stationed under the command of General de Choisy.

Gen. Nelson was present at the siege with 3500 Virginia militia.

On October 19, occurred the surrender of the British, which practically terminated hostilities in America. Succeeding this the larger part of the American troops were returned to New York, and the remainder sent to reinforce General Greene in the South. These included the Pennsylvania troops under Wayne who disgraced themselves by another mutiny after reaching South Carolina. Most of the French marched to Williamsburg, where they encamped at the Rock Spring, north of the city, the headquarters of the Count de Rochambeau being in the city at the Wythe house, previously the headquarters of General Washington. A large French garrison remained at Yorktown to protect the stores there, and when the French army departed in the summer of 1782 their place was taken by Virginia militia.

Governor Nelson, who had been in bad health a long time, resigned his office on November 29, 1781, and was succeeded by Benjamin Harrison, of Berkeley, in Charles City County;

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<sup>12</sup>After the Revolution, the culture of wheat was substituted for that of tobacco in the neighborhood of Williamsburg.

but before this time the feeling of dissatisfaction in the state against Nelson's enforcement of the act allowing impressments made itself heard. On November 23rd, the inhabitants of the County of Frederick presented a petition to the House complaining of the oppressiveness of the present mode of impress and praying for the repeal of the act.

This was followed on December 10th, after the resignation of Nelson, by a petition and remonstrance from the people of Prince William County "against the action of the late governor in assuming a dispensing power over the laws, disregarding their necessary and proper restraints and authorizing impresses, without the authority of the Council." The revulsion was so great that while the legislature passed an act indemnifying Nelson, they repealed the laws on impress and embargo, and refused to re-enact the law permitting the governor to send the militia out of the State.

The disgust felt in Virginia with Congress was profound. Had not Virginia fed the French and Northern armies in Virginia they would have starved, and the same thing was true of Greene's army. Writing to General Greene, January 21, 1782, Governor Harrison said: "It has been a matter of wonder and indignant surprise to me that Congress and its ministers have not taken the same measures for supplying your army that they have taken in every State to the northward, that is by contract. With us they depend on the State for everything, though they know it can only be obtained by force; they even refuse to give us credit for what they have obtained but insist on our full quota being paid into the treasury. It is this kind of partial conduct which is the cause of your distresses, and they will in the end, if not amended, be attended with ruin to both you and us." In another letter of the same date addressed to the President of Congress, Harrison wrote: "I hope the Honorable Congress will excuse me for requesting their attention to their officers and men now in this State, not one of which has ever received for the support of himself or his Department but what has come from this State."<sup>13</sup>

<sup>13</sup>Harrison, *Governor's Letter Book*.

Hostilities with the Indians continued in the West. Bryan's Station in Kentucky was attacked and several men were killed and much stock destroyed. One hundred and eighty-two men of Lincoln and Fayette Counties, commanded by Colonel John Todd and Lt. Col. Stephen Trigg, followed them and a battle ensued August 19, 1782, at the Blue Licks with the Shawanese, supposed to number 600. The whites were completely defeated with a loss of seventy-five men, including their two gallant leaders, and many other officers of approved valor and experience. This ill success spread dismay throughout all the frontiers, but confidence was restored when a week later Col. Benjamin Logan, with 500 men from Lincoln County, marched to the battle ground and found the enemy departed.

In the East Harrison's hopes of speedily filling Virginia's quota in the Continental army suffered a great disappointment. Despite dissatisfaction with Congress, the exhaustion resulting from the war and the feeling of confidence after the surrender at Yorktown that the war had practically ceased, the Virginia legislature proceeded by legislative act to fill its continental quota of troops with 3,000 men, who were to be induced to enlist for two years or the war by the usual bounty of \$750 and 300 acres of land, the highest offered in any of the States. Governor Harrison wrote cheerfully to Greene that he had every reason to believe that the movement for enlistments would prove a success. But some of the old Continental veterans, whose terms had expired, appeared about this time in the State in such a ragged condition that they resembled more scarecrows than men. Their appearance was a melancholy criticism on Congress which had the care of them in the field. Harrison wrote that the clothes of 24 veterans were so tattered that they could have been put in one small bag. Men shrunk from volunteering with such wrecks of war before them, but fortunately soon after, in December, 1782, came the news of the signing of the provisional articles of a treaty of peace at Paris November 30, 1782, and on April 23, 1783, the Continental Army was furloughed and allowed to go home.

On September 3, 1783, the definitive treaty of peace was formally signed.

Before this time Governor Harrison on April 23, 1783, in pursuance of a declaration of the Continental Congress, issued a proclamation for the cessation of hostilities within the State. He communicated his proclamation to the mayors of the different towns, and on May 1, 1783, American Independence was duly celebrated in the City of Williamsburg, where it had its birth with the adoption of Patrick Henry's resolutions against the Stamp Act, May 30, 1765:

GOVERNOR BENJAMIN HARRISON TO THE MAYOR OF WILLIAMSBURG

Richmond, April 23d, 1783.

SIR—It gives me pleasure to have it in my power to congratulate you on the important event of a general peace and American independence as announced in the inclosed proclamation of Congress, & I have to request that you will cause the said proclamation, together with the one issued by me for the strict observance of it, publicly read in your city.

I am, sir,

Your obedt Hble Servt,  
Benj. Harrison.

(On the inside of this letter is written in another hand the "Order of the Procession on the Great Day," as below.)

ORDER OF THE PROCESSION ON THE GREAT DAY, THURSDAY,  
MAY 1ST.

- 1st Two attendants, in front, supporting two staffs, decorated with Ribbons, &c, &c.
- 2d The Herald mounted on a Gelding neatly Caparisoned.
- 3d Two Attendants, as at first.
- 4th Sergeant bearing the mace.
- 5th Mayor, Recorder, with Charter.
- 6th Clerk, Behind, carry the Plan of the City.
- 7th Aldermen, two and two.

8th Common Council, in the same order.

9th The Citizens in the same order.

The Citizens to be convened on Thursday at 1 o'clock at the Court House by a Bell man.

After the convention of the citizens they are to make proclamation at the C. House, after which the Bells at the Church, College & Capitol are to ring in peal.

From the Ct House the Citizens are to proceed to the College, and make proclamation at that place, from whence they are to proceed to the Capitol and make proclamation there; and from thence Proceed to the Raleigh & pass the rest of the Day.

CHAPTER IV  
CONTRIBUTIONS OF VIRGINIA TO THE AMERICAN  
REVOLUTION

To what extent did Virginia contribute to the success of the American Revolution?

(1) THE OFFICERS.

To have contributed Washington to the cause of independence was almost glory enough for one state, but besides the commander-in-chief of the American army, three of the major-generals appointed by Congress claimed Virginia as their residence, though only one of the three can be considered in any way identified with the state. Charles Lee and Horatio Gates, formerly British army officers, lived in Berkeley County, Virginia, in that part now Jefferson County, West Virginia, and Adam Stephen, the third major-general, lived in the same neighborhood. All three fell into discredit. Lee was dismissed for his conduct at Monmouth; Gates was suspended after his defeat at Camden; and Stephen, the only native, a brave officer, was cashiered for drunkenness at the battle of Germantown. The fault was a venial one, and General Stephen, who had served gallantly, retained the respect of his countrymen, who made him a member of the Convention of 1788, and conferred upon him other trusted positions.

The honor roll of the state is found not in its major-generals but in its brigadier generals and colonels. Of the former were *Daniel Morgan*, who lead the first body of Southern troops to join Washington before Boston, fought his way into Quebec to be captured through the failure of the supporting

column, twice turned the tide at Saratoga, and finally after a tardy promotion to the grade of brigadier, routed the dread Tarleton at Cowpens in one of the most brilliant engagements of the war; *Peter Muhlenberg*, who lead a German regiment from the valley of Virginia to the relief of Charleston, in 1776, commanded a brigade at Brandywine, Germantown, Monmouth, Stony Point, and Yorktown; *Hugh Mercer*, whose brigade formed the attacking column at Trenton and at Princeton, and who died of his wounds a few days later, lamented by the entire army; *George Weedon*, who commanded a brigade at Brandywine and Germantown; *William Woodford*, who commanded the Virginia militia at the Great Bridge, where he scored a remarkable success and led a Virginia brigade at Brandywine, Germantown and Monmouth; *Charles Scott*, who commanded a Virginia regiment at Trenton and Stony Point, and was the last to leave the field at Monmouth, when Charles Lee retreated; *Edward Stevens*, whose regiment checked the British advance at Brandywine, who served with distinction at Germantown, and commanded the Virginia militia at Guildford Court House, where he contested the battle with the British regulars; *Robert Lawson*, who shared with Stevens the glory of the obstinate fight of the Virginia militia at Guilford Court House and afterwards distinguished himself in opposing Cornwallis in Virginia; *William Campbell*, who commanded a corps of 400 Virginians at King's Mountain, was chosen by the other officers as chief, and led in that attack on Colonel Ferguson and his Tory army; *George Rogers Clark*, whose conquest of the Northwest and ability as an Indian fighter secured to him the reputation of being one of the most remarkable men of the Revolution; and *Governor Thomas Nelson, Jr.*, who commanded a part of the Virginia militia during most of the Revolution and all of it in arms in the Yorktown campaign, when he was governor. Besides serving as brigadier generals in the Virginia line, Stevens and Lawson served as colonels in the continental line, and

later received commissions from Virginia as brigadiers of militia.<sup>1</sup>

In like distinction, though of lower rank, were Colonel Henry Lee, otherwise "Light Horse Harry," whose "legion" rendered brilliant services North and South, and to whom General Greene wrote: "No man in the progress of the campaign had equal merit with yourself nor is there one so represented."<sup>2</sup> Next to Henry Lee in the effectiveness of his service was Col. William Washington, who had a hand to hand fight with Col. Tarleton and was finally taken prisoner at Eutaw Springs. Then mention should be made of Theodoric Bland and George Baylor, who served as colonels of cavalry, and of Colonel Charles Harrison, who was commander of the first continental artillery. No other state could present such a galaxy of brilliant officers.

Besides these officers in the army, Virginia led in giving to the Union the most brilliant and successful admiral of the navy, John Paul Jones, who though born in Scotland, claimed Virginia as his home and received from the Governor a land grant as a citizen; and Richard Dale, first lieutenant of the *Bon Homme Richard*, and afterwards a commodore. Among the officers of the Virginia navy who distinguished themselves were James Barron, Richard Barron, his brother, Captain Joseph Meredith, who commanded the privateer *LaFayette*, and William Cunningham, first lieutenant of the brig *Liberty*, which Paulin says "saw more service than any other State or Continental vessel of the Revolution, being in the employ of Virginia from 1775 to 1787."<sup>3</sup> James Barron performed a signal service in April, 1776, when he captured a boat with dispatches from Lord Dartmouth, which discovered the whole plan of British operations under Sir Henry Clinton and Sir Peter Parker against Charleston.

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<sup>1</sup>Latané in *The South in the Building of the Nation*, Vol. I, 92-94.

<sup>2</sup>Greene: *Life of Greene*, III, 452.

<sup>3</sup>Paulin, *The Navy of the American Revolution*, 417.



JOHN PAUL JONES

## (2) SOLDIERS.

(a) *Extent of the services performed:*

The Virginia troops fought over a wider area and further from home than those of any other state. They served in every part of the country from Quebec to Savannah and from Boston to Kaskaskia and Vincennes. The only Northern troops that crossed the North Carolina line during the war was a contingent of Pennsylvanians under Wayne and St. Clair. They had mutinied in the North, and they mutinied in the South.

(b) *Military Service—The Army.*

In the two branches of the army in which the Americans had naturally greater opportunities than the British, the rifle service and cavalry, Virginia was more prominent than any other state. Morgan's riflemen were the first Continental troops to go to the assistance of General Washington before Boston. Later, these riflemen, under their captain, Daniel Morgan, led the advance of Arnold's army through the wilderness of Maine to the siege of Quebec. The riflemen of Virginia largely determined the results of the battles of Saratoga, Cowpens, and Guildford Court House, and the victory of King's Mountain was one which they shared with their brethren of North Carolina and South Carolina. The commanding officer there was Colonel William Campbell, of Virginia.

The plan pursued by Morgan in the use of his riflemen consisted in throwing forward a line of expert marksmen and with the rest assailing the flanks of the enemy. This was the plan afterwards adopted in the South by General Greene, who was an excellent officer, but inferior in genius and dash to Morgan. Nor must we forget the heroic achievements on the frontier of the riflemen of Virginia under the lead of Christian, Clark, Todd, Bowman, Logan and Montgomery.

In respect to the cavalry, Virginia was no less pre-eminent. Congress established in 1777 four cavalry regiments, of which two were from Virginia, commanded by Colonels Theodorick Bland and George Baylor. This arm of the service, which Morgan denominated the "eyes of the infantry," performed a useful part in the campaign in the Jerseys and Pennsylvania

in 1778. During the campaign of the previous year many of the disasters befalling the American troops were attributed to this deficiency in the army. The Virginia regiments were known as "the Virginia horse," and were lauded by Mr. J. Fenimore Cooper in his novel, *The Spy*. At the battle of Brandywine Washington's bodyguard was composed of a company of Bland's cavalry commanded by Captain Henry Lee, afterwards known as "Light Horse Harry." Subsequently Major Lee's command was detached from the regiment of Colonel Theodoric Bland and made into a separate partisan corps. The corps consisted of three companies of cavalry, and in 1779 it was increased by the addition of a body of infantry, and the whole became known as "Lee's Legion."

The use of cavalry was even more extensive in the Southern campaigns towards the end of the war. The remains of Bland's and Baylor's troopers were ordered South in 1779, and about 100 in number came under the command of Lieutenant-Colonel William Washington.

Not long afterwards, Colonel Lee and his legion was marched to the South, and in the fighting under Greene, the Virginia cavalry shared with the Virginia riflemen in achieving much of the best results of the Southern war. The battle of King's Mountain was one in which the most perfect display was made of the features in which the Americans had the advantage of the British. As cavalry the Americans performed the feat of cutting Ferguson off from Cornwallis, and as dismounted riflemen of capturing or destroying all of Ferguson's command. At the Cowpens the cavalry performed a valuable service and in the long race between Cornwallis and Greene to Virginia the legion of Henry Lee had the honor to be stationed in the rear of Greene's army, and in the immediate front of the enemy. In this position they drove back the dragoons of Tarleton and enabled Greene to gain without loss the friendly shores of the Dan and the protection of Virginia. So in the battle of Guildford Court House, Eutaw Springs and other battles in South Carolina, the Virginia cavalry and riflemen

were ever active and efficient. In Virginia we have seen how valuable Major John Fenton Mercer's small body of horse was to LaFayette's army.

In respect to the infantry, the heroism of the Virginians was displayed both North and South. In the battles of Trenton, Princeton, Germantown and Monmouth, Virginia troops bore the brunt of the fighting. Notable was the Third Virginia Regiment, commanded successively by Colonels Hugh Mercer, George Weedon and Thomas Marshall. September 16, 1776, three companies of the Second Virginia, commanded by Col. Leitch, led in the attack on Harlaem Heights, and of the eight companies of the Light Infantry which constituted the assaulting column at Stony Point, July 15, 1779, five companies were Virginians. The capture of Paulus Hook by Major Henry Lee was one of the most brilliant events of the war.

The state militia, though generally poorly equipped, performed many brilliant exploits. In Virginia the engagements at the Great Bridge and Gwynn's Island were marked by much gallant fighting. In the South, though at Camden the Virginia militia fled before the British veterans in the disastrous battle of that name, the disgrace of their flight was thoroughly wiped out by their subsequent noble behavior.<sup>5</sup> At the battle of the Cowpens, the Virginia militia under Captains Tate and Triplett, distinguished themselves for their intrepidity, and at the battle of Guildford Court House, under Generals Stevens and Lawson, they disputed the ground inch by inch with two of the best regiments of British regulars, commanded by Webster, the most daring officer in the British army. Unlike the militia at Bunker Hill, they stood in the open without the protection of breast works.

Virginia furnished one-third at least of the garrison at Charleston, which surrendered; one-third of the army under Gates at Camden; the leader (Col. Campbell), and one-third of the conquerors at King's Mountain; the commander (Gen.

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<sup>5</sup>The panic that seized the Virginia militia was like that which possessed the New England troops at Kipp's Bay, Sept. 15, 1776.

Morgan), and one-third of the army at the Cowpens; one-half of the army at Guilford Court House; and one-third the continental troops who liberated Carolina at the battle of Eutaw Springs. No wonder that Colonel Harry Lee, with pardonable pride, called Virginia the "fountain of Southern resistance." "The great re-enforcements," wrote Cornwallis to Germain, "sent by Virginia to Gen. Greene while Arnold was in the Chesapeake, are convincing proofs that small expeditions do not frighten that powerful province." And on the third day after the battle of Guildford Court House Greene wrote to Washington: "Virginia has given me every support I could wish." In a letter to General Greene dated August 30, 1782, Governor Benjamin Harrison wrote: "No country in the Union has been more prodigal of its blood and money than Virginia nor has any one had more men in the field till the fall of Charles Town, or endeavor'd more both before and since to keep their Battalions full, all the Acts of Assembly on the Subject except May last prove it. A great number have been raised by most extravagant Bounties, that have marched and countermarched thro' this country till most of them have been lost either by Death or Desertion, the latter chiefly occasion'd by the want of cloths, which is not in the States power to procure, their ports being all shut up and Trade at an end; had the other States done by us as we did by them when in similar circumstances, I trust no complaints would have been heard."<sup>6</sup>

(c) *Military Service—The Navy.*

With the exception of New Jersey and Delaware, each of the thirteen original states during the Revolution owned one or more armed vessels. Massachusetts, Connecticut, Pennsylvania, Virginia and South Carolina had the largest fleets. Virginia had more ships than any of the states. She had at one period of the war as many as 73 vessels, including frigates, brigantines, schooners, sloops, galleys, armed pilot boats and barges. They were as a rule poorly manned and equipped,

<sup>6</sup>Harrison, *Governor's Letter Book.*

but they were of much service to the American cause. They not only kept Chesapeake Bay clear of New York privateering vessels, manned by Tories, but were useful in making prizes of British merchantmen and in exporting tobacco and other produce and exchanging their cargoes in the West Indies for arms and military stores. The navy was under the control of a Board of Naval Commissioners, consisting of five persons, and no member of the Board could sit in the Legislature or hold a military office. Thomas Whiting, of Hampton, served as first commissioner of the Board, until 1779, when it was abolished and the duties of the Board devolved on the Army Board. When the Army Board was abolished in 1780 a commissioner assumed the duties for the Navy.

Vessels were chiefly built at the Nansemond, Chickahominy, South Quay and Gosport Navy Yards. "No other state owned so much land, property and manufacturings devoted to naval purposes as Virginia."<sup>7</sup> Before the Revolution the British had established a marine yard at Portsmouth, and named it for Gosport, England, and this yard Virginia came into possession of at the beginning of the Revolution. It was destroyed, as we have seen, in Collier's invasion during Governor Henry's administration. At Warwick, on the James, a few miles below Richmond, the state created and operated a rope walk and a foundry. James Maxwell was superintendent of the shipyards and the building and repairing of naval vessels. The first commodore of the Virginia navy was John Henry Boucher, who had served as lieutenant in the Maryland navy. In March, 1776, Virginia called him to the command of her Potomac fleet. He served a few months and resigned, and was succeeded by Walter Brooke, who served from April, 1777, until September, 1778. Brooke's successor, James Barron, was not appointed until July, 1780. He was commodore until the end of the war. There were about 600 men employed in the Naval Service.

When Collier made his raid in Virginia in 1779, he not

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<sup>7</sup>Paulin, *Navy of the American Revolution*, p. 400.

only destroyed the shipyard at Gosport, but burnt 137 vessels of all kinds. Then came the invasions of Arnold and Phillips, during 1781. Twelve vessels composed the state fleet and one-half dozen or more privateers were taken into the service of the state. On April 22nd, the British destroyed the navy yard on the Chickahominy, including a number of naval craft and the warehouses, and on April 27th, at Osborne's up James River, they destroyed all that was left of the State Navy except the armed brig *Liberty*.<sup>8</sup> Undismayed the Virginia legislature, however, ordered other vessels to be built.

(d) *Number of Soldiers.*

It is frequently claimed that New England furnished more troops than all the other states combined, and that Massachusetts sent to the front more than double the number furnished by any other state. By merely adding up the yearly returns of the Continental army as given by General Knox in his report prepared for Congress in 1790, when he was Secretary of War, Massachusetts historians have figured out that their state furnished a total of 67,907 men to the Continental line, and Virginia 26,672.<sup>9</sup>

A careful analysis of Knox's figures will show that they are of very little value in estimating the military weight of any state during the Revolution. The 16,444 men credited to Massachusetts in 1775 were not regularly organized continentals but militia on continental pay, whose term expired in December of that year. The 13,372 men credited to the same state for 1776, likewise included militia on continental pay, whose term expired at the end of the year. Then the continentals credited to Massachusetts in 1781, 3,732 men, were enlisted for only four months. After the surrender at Yorktown there was no further fighting in the North and the Northern army was furloughed and sent home in April, 1783, therefore, the

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<sup>8</sup>The Va. Navy of the Revolution, *Southern Literary Messenger*, XXIV, 1, 104, 216, 273.

<sup>9</sup>American State Papers, Military Affairs, Vol. I, 14-20.

Massachusetts continentals for the years 1782 and 1783 may be properly ignored in any estimate of her fighting force. The troops for these years numbered 4,423 for 1782, and 4,370 for 1783, or 8,793 for the two years.

Here then is a deduction of fully 42,341 to be made from the Massachusetts total of continental troops if Knox's estimates are to have any serious weight at all. This then leaves 25,566 men who actually took part in the fighting line. The state of Virginia had a total of 1,833 men during 1782 and 1783, which subtracted from the total according to Knox of 26,672, leaves her 24,839, but a portion of her troops, about 1,000 men, in 1782 and 1783 saw serious fighting with Greene in South Carolina and Georgia.

Moreover, Virginia should be given credit of at least one year for the continental troops, taken prisoners by the British at Fort Mifflin, Germantown and Fort Mifflin, about 2,500 in number. Had they not been captured they would have appeared in Knox's report as an addition to the figures for Virginia.

But even the figures for Massachusetts reduced as above cannot be accepted as any true estimate of her military contributions. Thus, on February 10, 1776, Washington wrote: "So far from having an army of 20,000 men all armed, I have here less than half that number, including sick, furloughed, and on command, and those neither armed nor clothed as they should be." Here then less than 10,000 New Englanders comprised Washington's army, but Knox credited the New England states with furnishing 23,579 men for the year 1776. When the seat of war was transferred to the Hudson, many of the New England troops accompanied Washington and served during a part of the campaign in New Jersey. In the fall of 1776, their number amounted to about 9,500,<sup>10</sup> but very few of them would consent to re-enlist when their terms expired. Washington was reduced to great straits, and in a letter to the president of Congress, dated December 24th,

<sup>10</sup>Hanna, *The Scotch-Irish*, p. 14.

1776, he said: "By the departure of these regiments I have been left with five from Virginia, Smallwood's from Maryland, a small part of Rawling's (Maryland and Virginia Rifles), Hand's from Pennsylvania, a part of Ward's from Connecticut, and the German battalion, amounting in the whole at this time to some 1,400 to 1,500 effective men." The Virginians constituted the large majority of these troops and without them the American cause would have gone under. The gaps in the ranks had not been filled as late as April 13, 1777, when John Taylor, of Carolina, wrote his uncle-in-law, Edmund Pendleton, from Princeton, that the army consisted of not more than 2,000 men, "scattered over the whole Jerseys," that the Northern troops were mostly "foreigners, really mercenaries, having no attachment to the country," that "desertions from our army are to the last degree alarming, some companies having lost thirty odd men; of these many go to the enemy."

After 1776 the policy of Congress was to enlist the troops for three years or the war. Virginia conformed to the wish of Congress and New England did not. In those colonies, the continental troops were enlisted for short terms—1, 3, 6 and 9 months, so that in New England the same troops were often enlisted three and even four times during the same year, and therefore were counted several times in the year. The eternal ebb and flow of men from New England, who went and came every day, rendered it impossible to have either a regiment or a company from these states complete. This is shown by an "Abstract of Musterrolls" by Deputy Muster-Master, William Bradford, Jr., preserved in the Pennsylvania Historical Society, according to which the regiments of New England in July, 1778, were very meagerly represented. In that month Massachusetts had, as a matter of fact, only 2,642 men in Washington's army, compared with the 4,891 soldiers reported from Virginia.<sup>11</sup> The comparison of the figures in Knox's report with the actual returns at any time is almost ridiculous.

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<sup>11</sup>Hanna, *The Scotch-Irish*, p. 21.

Thus by a return of the whole army under Washington's immediate command, made on the 3rd of June, 1780, there did not appear to be present and fit for duty more than 3,760 men rank and file. These consisted mainly of the troops from the North—the troops from Virginia, Maryland and Delaware (though not all of them) having been sent South—but Knox credits the Northern States with contributing upwards of 16,149 soldiers during the year.

Besides this quota of regiments supplied by the State, other commands, raised mostly or wholly in Virginia, served in the Continental army, but being Congressional forces pure and simple are not accredited to the State. Such were Nathaniel Gist's, Grayson's, and Thruston's regiments of infantry, Moses Rawlings' rifle companies, Harrison's artillery, Bland's and Baylor's dragoons and Lee's and Armand's legions. Of these commands Gist's regiment is given in Saffell as from Virginia and Rawlings' rifle companies and Harrison's artillery as made up of Marylanders in part as well as of Virginians. Pay rolls of Bland's dragoons are printed in Boogher's "Gleanings of Virginia History" and Saffell furnishes the names of the officers of Lee's legion. A roll of Armand's legion is printed, apparently in full, in the documents appended to the Journal of the House, of delegates of Virginia for 1833-4. Some of the names of Baylor's dragoons have been recovered, but not a full list. Pay rolls of all these Continental commands are probably in existence in Washington and will likely be published some day, when it will be possible to know with a reasonable degree of accuracy the number of men furnished by Virginia to the Continental line. These commands amounted to at least 1,000 men and if counted among the Virginia continentals for five years would add about 5,000 to Knox's figures for Virginia. In addition to all this, Georgia and other States were allowed to recruit their continental regiments on the soil of the Old Dominion.<sup>12</sup>

But General Knox's report is not only valueless because

<sup>12</sup>H. J. Eckenrode, *Revolutionary Soldiers of Virginia; Va. Magazine*, XIX, 405.

of its faults of commission, but because of its faults of omission also. His report was made seven years after the ending of the war, and it fails to give the details on which his summaries are based. Then Knox fails to credit Virginia with any continental troops for the year 1775, although Morgan's detachment of riflemen, which served with such exceptional gallantry, was not a militia command.

It is thus seen that there is great probability that Virginia furnished many more men to the Continental army than Massachusetts.

In the face of the returns in the field contrasted with the figures in Knox's report, one wonders where the American troops were. Many of them either served a very short time, or deserted, or never showed up at all.<sup>13</sup> In 1781, the returns made by Clinton claimed that "the American levies in the King's service were more in number than the whole of the enlisted troops in the service of Congress."<sup>14</sup> Joseph Galloway testified to the hundreds of deserters from the American army that, under his own eye, enlisted in the British army.<sup>15</sup> The troops of Pennsylvania, New Jersey, and New England mutinied at different times, but the Virginia troops as a body proved loyal and faithful throughout.

But if Knox's report is of no value in giving any true idea of the contributions of the states for the Continental service, it becomes a travesty when it deals with the returns of the militia. Indeed Knox states by way of excuse that "in some years of the greatest exertions of the Southern states there are no returns whatever of the militia employed." The estimates therefore are very full for New England and very meager for the South, his total for Virginia being 26,000. He gives no return whatever of militia of Virginia for the year 1776, when it is known a considerable body, amounting altogether to perhaps five thousand, were in the field during the

<sup>13</sup>McCrady, *South Carolina in the Revolution*, 838.

<sup>14</sup>McCrady, *South Carolina in the Revolution*, 291, note A.

<sup>15</sup>Hanna, *The Scotch-Irish*.

course of the year, fighting Lord Dunmore and the Indians in the West. In Burk's *History of Virginia*,<sup>16</sup> it is stated that, when in 1781, Cornwallis threatened to invade Virginia 20,000 militia were placed at the disposal of the governor, though for a lack of guns and ammunition the governor could only arm about 5,000 at a time. It is probable that the whole 20,000 saw some few days, weeks or months of service, and often the same men were drafted and saw service more than once during the course of the year. Thus we know that in Isle of Wight County one-half of the militia was in service within the county for the first three months, and afterwards one-third part until about the 20th of November, 1781.<sup>17</sup> Indeed there is a further authority in the Council Journal, which shows that nearly all the counties were called upon to furnish their contingents.

According to the volumes published by the Secretary of the Commonwealth of Massachusetts under the title of *Massachusetts Soldiers and Sailors in the Revolutionary War*, hundreds of the Massachusetts militia served from one to thirty days in reply to some sudden alarm.

The year 1780 perhaps saw as many militia under arms as the year 1781, and it is probable instead of 26,000 militia in the field, the state had during the war nearly three times that number, certainly over 70,000 men. Some of these, as they served regular campaigns in connection with the regular army, of 6 months had more right to be considered Continental troops than the motley army of New England before Boston in 1775 and 1776.<sup>18</sup>

Knox makes the militia of Massachusetts number about 25,000 men, and if we add to this figure 42,341 so called Continentals of 1775, 1776, 1781, 1782 and 1783, the sum total be-

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<sup>16</sup>Burk, *History of Virginia*, XIV, 390

<sup>17</sup>*William and Mary College Quarterly*, VII, 279.

<sup>18</sup>Thus the Virginia Council resolved that the Virginia militia at the siege of Yorktown "ought to be considered Continental troops." They might have spoken similarly of the Virginia militia under Greene.

comes 67,341, which is not greatly different from the number claimed for Virginia. The concentration of population in towns ought to have made it much easier to call out the strength of that Province than in Virginia, where the population was scattered over an area many times greater than Massachusetts.

### 3. SUPPLIES AND CREDIT.

Mr. Jefferson in a letter to Governor Henry on the subject of the "convention prisoners," spoke of Virginia before the Revolution as "the grain colony, whose surplus of bread used to feed the West Indies and Eastern States and fill the colony with hard money."<sup>19</sup> For the same period he estimated the value of wheat and Indian corn exported from the colony at about one-half the value of the tobacco crop, 800,000 bushels of wheat and 600,000 of Indian corn.<sup>20</sup>

It was owing to the inability of New England to supply them with flour that the Saratoga prisoners, over 4,000 men, were marched to Charlottesville in the dead of winter. Then, in his testimony before the Committee of the House of Commons, Joseph Galloway said that "Washington's army at Valley Forge in 1778 was principally supplied with provisions from Virginia and North Carolina by way of Chesapeake Bay."<sup>21</sup> Smollett, in his *Continuation of Hume's History of England*, declared<sup>22</sup> "that tobacco, Virginia's staple crop, was the chief foundation of the credit of these states in Europe," and he mentions the immense importance of the trade of the Chesapeake Bay with the West Indies, through which powder and supplies of all kinds were obtained.<sup>23</sup> It appears that the object of the fleet of Sir George Collier, who, with General Matthew, invaded Virginia in 1779, was to cut off this trade and

<sup>19</sup>Randall, *Life of Jefferson*, Vol. I, 233.

<sup>20</sup>Jefferson, *Notes on Virginia*, Ford's Reprint, p. 204.

<sup>21</sup>*Tyler's Quarterly Magazine*, Vol. II, p. 77.

<sup>22</sup>Henry's *Henry*, Vol. I.

<sup>23</sup>For evidences of this Trade see "Correspondence of William Aylett," Commissary General, in *Tyler's Quarterly*, I, 87-111; 145-161.

shut up the Chesapeake Bay, "by which Washington's army was constantly supplied provisions." But Clinton, who was in tight quarters in New York, could not spare the troops for long; so after a brief stay in Virginia, the expedition returned to the place it went from, but, as we have seen, it did a vast deal of damage. Sir George Collier lodged a protest with Sir Henry Clinton that, in withdrawing the troops, he gave up "the very best chance of starving Washington's army and putting a stop to the war."<sup>24</sup> To cripple, if not to reduce Virginia, became the cardinal object of the subsequent expeditions of Leslie, Arnold and Phillips. The importance of Virginia in furnishing supplies to Greene's army was testified to by Washington, Jefferson, Greene, Sir Henry Clinton and Lord Cornwallis. During the calamitous year of 1780, when most of the states were very delinquent, Virginia overpaid her quota by \$4,081,368.<sup>25</sup> One of the most valuable aids to the war was James Hunter's iron works at Fredericksburg. James Mercer, one of the most influential and trusted citizens of the town and State, said <sup>26</sup> in a letter addressed to the governor, in April, 1781: "I am sure I need not tell you that it is from Mr. Hunter's Works that every Camp Kettle has been supplied for the continental and all other troops employed in this State & to the Southward this year past—that all the anchors for this State & Maryland & some for the continent have been procured from the same works; that, without the assistance of the Bar Iron made there, even the planters hereabout & to the Southward of this place, wou'd not be able to make Bread to eat."

Another of the institutions of Fredericksburg was the Gun Factory, authorized by an ordinance of the convention, in 1772, and conducted by Colonel Fielding Lewis and Major Charles Dick. The same gentleman, James Mercer, said in the same letter in which he mentioned Mr. Hunter's Iron Works:

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<sup>24</sup>*Va. Hist. Register*, IV, 181-195.

<sup>25</sup>Burk, *History of Virginia*, IV, p. 431.

<sup>26</sup>*William and Mary Quarterly*, XXVII, 82.

“As to the town itself I need not inform you that the public manufactory of arms is here—that without it, all our arms, however so little injured wou’d be useless to us; besides the number of new muskets & bayonets made there, renders that an object worthy our preserving & the Enemy’s destruction—To this, however, I may add that there is not one spot in the State so generally useful in our military operations—full one-third of all new lines rendezvous here; all the troops from North to South & South to North *must* pass through this town, where wagons are repaired, horses shoed and many other &c, which they cou’d not proceed on without. The troops get provisions here to the next Stage & no place is so convenient to a very extensive & productive Country for the reception of Grain & other Articles of Provision.”

The statement of the Board of Commissioners appointed to fund the debt of the United States when Hamilton was secretary of the treasury, shows that Virginia’s claim for her advances to the Continent during the entire war was \$28,431,145.18.<sup>27</sup> It appears that owing to the loss of vouchers and books due to the British invasions, the commissioners allowed only \$19,085,981.51. On the other hand Massachusetts who had lost very few papers was allowed \$17,964,613.03, but as the Federal Government during the war had advanced to Virginia \$869,000.51, and to Massachusetts \$2,277,146.98, their net contributions were respectively for Virginia \$18,216,981.00 and for Massachusetts \$15,687,466.05, so that Virginia’s net contribution exceeded that of Massachusetts by \$2,529,514.95. And yet, according to the report of the commissioners, Virginia was made a debtor state to the amount of \$100,879, while Massachusetts was made a creditor state to the amount of \$1,248,801. One of the largest items in the Massachusetts claim was \$2,000,000 for the abortive expedition against the British at Castine.

What the basis of the report was is shown in a letter of Col. William Davies, the Virginia agent. During the war

<sup>27</sup>*Calendar of Virginia State Papers*, Vol. VII, p. 55.

Virginia and Massachusetts were equally rated, and each required to contribute one-sixth of the whole expense, but under the Act of Congress, passed in 1790, population as of the census of that year was taken as the measure and the quotient for Virginia became  $4 - \frac{266}{294}$  and the quotient for Massachusetts became  $7 - \frac{105}{294}$ . This difference was made through the great increase, since the peace in 1783, in the population of Virginia. There was a great immigration into the Valley of Virginia, Kentucky and West Virginia. Now had the old rate of equality been taken things would have appeared quite differently. Virginia would have appeared as a creditor state and Massachusetts as a debtor state.<sup>28</sup> The Federal Government would have owed Virginia nearly \$4,000,000, and Massachusetts would have owed the Federal Government nearly six million.

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<sup>28</sup>Letter of Col. William Davies, Agent for Virginia, *Calendar of Va. State Papers*, VII, 43-58.

## CHAPTER V

### THE REVOLUTION—REFORMS IN THE LAW

As Virginia led in the movements preceding the Revolution and contributed far more to the success of the American cause than any other state, so she led the way in the political and social reforms which characterized that interesting period. The colossal work of the convention of the people, which met at Williamsburg, May 5, 1776, was without parallel. The principles of the Revolution found a marvelous expression in the words traced by the pen of George Mason in the Declaration of Rights, adopted June 12, 1776, and the Constitution, adopted June 29, 1776. The only serious amendment made to the Declaration of Rights was that urged by the youthful James Madison, of Orange, substituting "religious liberty" for "toleration." The constitution, whose first draft proceeded also from Mason's pen, had quite a number of amendments in the Convention itself, but the essential body of the paper remained as it stood in the original draft by its author.

These celebrated papers were copied by every other colony, and where departure was made from their terms, it was generally for the worse. They were universally taken as a pattern, and their influence was distinctly traced in the provisions of the Federal Constitution.

As regards the Virginia Declaration of Rights, it not only contained all that was valuable in Magna Charta in 1215, the Petition of Rights in 1628 written by Sir Edward Coke, and the Bill of Rights in 1689, written by the great Lord Somers, but it constituted also the most complete statement of the principles of government. Thus its first and second sections expressed the idea of the Democracy which lay at the bottom of the whole Revolution, the first declaring "the equal rights

of all men, by nature, to freedom and independence” and their inalienable claim to the “enjoyment of life, liberty, property and happiness;” and the second, declaring that “all power is vested in, and consequently derived from the people; that magistrates are their trustees and servants, and at all times amenable to them.” While these sections really stated nothing that had not been tacitly recognized ever since the dethronement of James II by people of English descent everywhere, the old form, depicting the King as “the fountain of authority” had been kept up in all legal and political literature in England and America. Now for the first time, fact and form were brought together in official papers. Rights began with nature, and not as concessions of the monarch, and the people, not the King, became the open and acknowledged source of authority.

The truths stated in the subsequent parts of the Declaration of Rights were only corollaries of these two first sections. That government ought to be instituted for the common benefit, protection and security of the people, nation, and community; that no man, or set of men, are entitled to exclusive privileges; that the legislative, executive and judiciary powers of the state should be kept separate and distinct; that office-holders should not hold positions indefinitely; that elections, the suffrage, the press, and religion should be free; that general warrants should be prohibited; that in all criminal prosecutions a man hath a right to demand the cause and nature of his accusation and to be confronted with his accusers and witnesses, and call for a speedy trial by an impartial jury of the vicinage; that an excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments be inflicted, and that in controversies respecting property the ancient trial by jury is preferable to any other—these are mere declarations that flow from the recognition of the ruling power of Democracy.

As to the Constitution, it was wholly unlike those of South Carolina and New Hampshire, which, though earlier in date,

were expressly declared to be temporary and intended only to endure until the difficulties with Great Britain were settled. It discarded the rule of the Mother Country entirely, and was the first written constitution for a free and independent state in any part of the world.

In some essential particulars, it followed the unwritten constitution of colonial days. Thus the governor, with the advice of the Privy Council, appointed all justices of the peace for the counties and filled all vacancies occurring in their numbers, such appointments being made upon the recommendation of the respective county courts. After the same example, the House of Delegates like the House of Burgesses was composed of two citizens from every county, and the qualifications for the exercise of the suffrage remained the same as of old. While the colonial council, acting as a senate, had had theoretically the right to originate laws, it seldom did so, and so the constitution now put in express language what had been all along practically the rule. It was required that all laws should originate in the House of Delegates, to be approved or rejected by the new senate or to be amended with the consent of the House, and the Constitution manifested its jealousy of money bills by providing that, in no instance, should such a bill be altered by the Senate, but wholly approved or rejected.

The changes in the government were more numerous than the parts retained. The Council, which in colonial days had acted in three functions—legislative, executive and judicial—was now confined to one, the executive, and it was provided that it should consist of eight members to be chosen by joint ballot of both houses of the Assembly. Two members were to be removed by the ballot of both Houses at the end of every three years, and be ineligible for the next three years.

In place of the Council sitting in its legislative capacity, a body called the Senate was provided for. It was to consist of twenty-four members, of whom thirteen should constitute a quorum to proceed to business. A peculiar feature of its composition, which was afterwards practically embodied in

the Constitution of the United States, was its division into classes so arranged that six of the members would go out every year and six new members be elected. Then, instead of a governor appointed by the King during his pleasure, a chief magistrate was to be chosen annually by joint ballot of both houses, and continue in office no longer than three years successively; but similar to the old practice, he was required to exercise the executive power with the advice of his Council of State.

As to the judiciary, instead of the colonial system of county courts and a General Court, by which was meant the Council sitting as a Supreme Court, a system of county courts made up of the justices as of old, an Admiralty Court, a General Court, a Chancery Court, and a Supreme Court, was authorized.

Two objections presented themselves at the threshold of the adoption of the constitution, one having relation to the authority of the convention, and the other to the authority of a written constitution. The first objection, which proceeded especially from Mr. Jefferson, was probably dictated by the thought that the constitution was not democratic enough, and that by denying the authority of the convention, further reforms might be made in its character. He had objections to the suffrage, which he deemed too restricted, to the equality of the counties in sending representatives, to the make up of the Senate, which he deemed too much like that of the House of Delegates, to the commingling of the powers of the government—legislative, executive and judicial—in contravention of its own requirement that these departments should be separate and distinct.<sup>1</sup>

Now while the proposed corrections were doubtless sound and were eventually recognized, Mr. Jefferson's objection to the authority of the Convention were by no means conclusive. In his *Notes on Virginia* Mr. Jefferson bases his criticism in this respect on the assumed fact that the idea of independence

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<sup>1</sup>Jefferson, *Notes on Virginia*.

had not been open to the mass of the people in April, 1776, when the members of the Convention which prepared the constitution had been elected. He states that the electors at that time were not thinking of independence or of a permanent republic, and did not mean to vest in these representatives powers of establishing them, or any authority at all other than that of ordinary legislation; but, as we have seen, this is far from a statement of the fact. The instructions in the counties nearly everywhere were for cutting loose from Great Britain and setting up an independent republic. Mr. Jefferson's objections, therefore, to the validity of the constitution went for naught, and though not faultless, the constitution remained the fundamental law of the state for 54 years. When we consider the novelty of the experiment and the time in which it was formed, the constitution embodied a measure of liberty that spoke eloquently of the self-control, calmness and wisdom of its framers. There was doubtless only one American, Thomas Jefferson, 100 years ahead of his contemporaries, and the constitution with his advanced views incorporated at this time, even if such a thing was possible, would not have suited the age or conditions.

The other question, the authority of the state constitution as the fundamental law, was not apparently thoroughly understood by the legislators who accomplished the work. The Convention itself, meeting as the House of Delegates in the General Assembly with the Senate, in the fall of the same year, passed several acts in contradiction of their own labors, and a similar course was pursued sometimes by succeeding legislatures. Men had not entirely divested themselves of their old ideas, and, as in England Parliament was omnipotent, there was a disposition with some people to ascribe a similar character to the legislature.

From his argument against the Convention as constituted, it is clearly inferable that Jefferson regarded the constitution prepared by an authorized convention as *unalterable* except by a similar authority. In a draft of a constitution prepared in

1783 he expressly provided that "the General Assembly shall not have power to infringe this constitution."

The part played by the courts of the state in asserting this supremacy is not to be construed, as is often done, into a claim of paramount authority of the courts over the legislative body, but as a vindication of their right to independence as guaranteed by that instrument. Under the constitution the Legislative, Executive and Judiciary were to be separate and distinct, and no one of the three had the right to interfere with the other two in the distinct field of their service. Each had the right to judge of the constitutionality of its own action, and in giving their opinion, the intention of the judges was only to assert that the constitution was supreme and that the judiciary would not lend its enforcing power where, in their opinion, a violation of the constitution resulted. These were the views set forth by the judges of Virginia in *Commonwealth v. Caton* (1782), in the *Case of the Judges* (1788), and in *Kemper v. Hawkins* (1792). These decisions settled the right of the courts to construe for themselves the constitutionality of a law, and the general acceptance of the principle in the Union at large dates from Chief Justice Marshall's decision in *Marbury v. Madison* (1802), in rendering which it is reasonable to suppose that he was influenced by the previous action of the Virginia courts, which must have come under his observation, it being doubtful if he ever heard of the cases cited from other states.

To adapt the laws of the Commonwealth to the spirit of the new constitution occupied the attention of the Legislature from its first session in October, 1776, and it was fortunate that just at this time a seat in that body was occupied by a man to whom democracy was a religion, and who in the general range of his abilities was the greatest man of his age in America. He was a thorough product of advanced thought in Virginia, and, as a student of a Virginia college at a time when Francis Fauquier, a devotee of the sciences, was governor, and Dr. William Small, an associate of Erasmus Darwin and James

Watt, was professor of mathematics and natural philosophy, he absorbed the free spirit of enquiry that floated about him in Williamsburg, and ultimately became its noblest expression.

Both Patrick Henry and Thomas Jefferson were born leaders of men, and each was pre-eminent in his field. It had been the part of Henry to stir the people up with his oratory and arouse resistance to arbitrary power. His wonderful eloquence and lovable personality had made him the master spirit of America during all the preliminary stages of the Revolution, and though he did not lose his popularity and importance in after days, it is possibly true that he ceased to be the dramatic figure of his earlier life. The new conditions required a line of talents of a different order from that in which Patrick Henry excelled. These talents Jefferson possessed. Henry was the exponent of an enormous epoch in the history of the world, but Jefferson's influence was an all-pervading and persistent stream of reform pouring through the centuries. With his wonderful ability of impressing others he created the Americanism of not only his time but of all future times, and though nearly a century has passed since his death, his influence is incomparably still the greatest vital force in American affairs.

He took his seat in the Virginia House of Delegates October 7, 1776. Four days later he began his great important work. On the 11th of October he was designated on various committees and as soon as the committees were organized he obtained leave to bring in a bill to establish courts of justice throughout the Commonwealth. This bill on being referred to the committee was divided into five distinct bills. Three of these, creating a Court of Appeals, a Chancery Court and a Court of Assize, or "General Court," were introduced by Jefferson November 25, 1776, and the other two, creating the Court of Admiralty and County Courts on December 4, 1776. The Admiralty bill was promptly passed, but the other bills were not passed until a session or two later.

The next day, October 12th, he obtained leave to bring in a bill to enable tenants in tail to convey their lands in fee simple, and on October 14th, he obtained leave to bring in a bill for the removal of the seat of government from Williamsburg to Richmond, and another for the naturalization of foreigners. All these bills were passed into law either at this session or subsequently, despite the objections of Edmund Pendleton and Robert Carter Nicholas, who represented the conservative party. The passage of the bill in regard to entails destroyed at one blow the pretensions to any class system in Virginia through the continuance of property and influence in any one family.

The bill for the revision of the laws was passed on the 24th of October, 1776, and on the 5th of November, he was appointed the head of a committee, appointed for the purpose, consisting of himself, Edmund Pendleton, George Wythe, George Mason and Thomas Ludwell Lee. The two last not being lawyers withdrew from the task and the three remaining gentlemen proceeded to their work with zeal.

Early in the year 1777 the committee met and distributed their task. With great propriety they determined to retain the Common Law as the basis of their reform and to bring into their revision only such alterations as would supply the place of all prior British and Virginia statutes. Strange to say, Mr. Pendleton, having once embarked in reform, was in favor of going further than even Mr. Jefferson. He argued strongly in favor of codifying the whole common law. Probably this would have been the best thing to do, but Mr. Jefferson and Mr. Wythe thought that to sweep away at once the whole existing system of law, with a thousand judicial decisions made upon it, was a work of too great labor and delicacy to be entered on at this time. The revisers divided the work among them, and by the 18th of June, 1779, they presented to the Legislature the result of their labors in a volume of 90 pages, containing 126 bills. Some of the bills were adopted in a short time, but the greater part of the work was not taken up until 1785, when,

under the management of James Madison, most of the bills were passed with little alteration.

The majority of Mr. Jefferson's supporters came from the Piedmont and western part of the state, and numbered among them, besides Madison, such men as George Mason, Zachariah Johnston and Alexander White. Probably the most important of his supporters from the east was John Tyler, of Charles City County, who was Speaker of the House of Delegates from 1781 to 1786.

Among the original appointed standing committees of the House was one on religion, in which Mr. Jefferson had likewise a seat. The different religious sects were represented in it, but the established church, the Episcopalian, had a decided majority, not only in the committee but in the House. Jefferson headed a determined minority, struggling for the principles of religious freedom expressed in the Declaration of Rights. The first settlers of this country were emigrants from England and of the English church, and the first break in uniformity was that of some non-conformists in the counties of Nansemond, Norfolk and Princess Anne about 1642. Severe laws were enacted against them, and somewhat later in the century the same treatment was awarded the poor Quakers flying from persecution in New England and the Mother Country. With the passage of the Toleration Act in England and its adoption in Virginia, these severe laws passed away, and after 1705 the preachers representing the different sects were permitted on license obtained to preach in the colony; so there was really little for the different sects in Virginia other than the Established Church to complain of, except being taxed in support of that church. The Quakers in a memorial addressed to the Legislature in 1737 frankly confessed themselves as pleased with the treatment which they experienced, and the Presbyterians appeared to have no grievance except such as stated, paying taxes to another church. The Baptists, however, would not conform to the requirement of obtaining a license, and consequently many of their preachers were ar-

rested and experienced much suffering in the cold and comfortless prisons of the times. Not long before the Revolution the Methodists, as a branch of the Episcopal church, had made Virginia the center of their activities, and it was the belief of Mr. Jefferson that two-thirds or at any rate a majority, of the people, were dissenters from the dominant faith.

This compulsion of these dissenters to pay taxes towards the maintenance of teachers of what they deemed religious error was grievously felt during the regal government and without hope of relief. The first republican legislature, which met in 1776, was crowded with petitions to abolish the spiritual tyranny, the Baptists being the most active and persistent in urging complaints. The petitions were referred to the Committee of the whole House on the state of the country, and a desperate contest resulted. The progressives, headed by Mr. Jefferson, wanted to do away with the church establishment entirely and place all the sects upon an equal footing, but the majority of the Legislature had apparently a different idea of the meaning of the religious liberty clause in the Declaration of Rights. They were rather inclined to think that after freeing the other sects from having to take out licenses and pay taxes, thus easing tender consciences, the Establishment should be kept up, and it did not enter into their views to approve the total overthrow of the Church.<sup>2</sup> The repealing bill, therefore, while sweeping away all parliamentary acts punishing religious opinions or forbearing to repair to church or exercising any mode of worship, and all colonial laws imposing taxes on dissenters, only suspended the act of 1748 for paying salaries to the Episcopal ministers, and in the bill as passed was inserted an express reservation of the question whether a general assessment should not be established by law on everyone to the support of the pastor of his choice.<sup>3</sup>

A number of brief suspensions of the Act of 1748 occurred

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<sup>2</sup>Memorial for an Established Church, Nov. 8, 1776, in *Tyler's Quarterly*, II, 230.

<sup>3</sup>Hening, *Stats. at Large*, IX, 164.

between this and the year 1779, when the committee of revisers made their report. Among the bills reported was Jefferson's bill for religious freedom, which cut away in the most thorough going manner all connection between state and church. The project of a common state support for all churches appears to have been offered as a kind of saving proposition, and at the same time George Mason brought forward a compromise scheme to preserve the property of the colonial church to the Anglicans without establishment. The only result of a long debate was the final repeal of the old act of 1748 providing salaries for ministers.<sup>4</sup>

Nothing further was done regarding religious matters until after the peace of 1783. Then the church question was revived and debated with much vehemence.

Many persons grew alarmed at the spirit of free thinking or skepticism in the state, and at the spring session of the assembly (1784) Mr. Henry presented the question of laying a tax on property for the general support of religion and apportioning the proceeds among the various churches. At the fall session of the assembly, a resolution approving the assessment passed the House of Delegates and a bill levying such a tax was introduced and debated. Mr. Henry was opposed by James Madison and George Nicholas, but his influence was so overwhelming that the bill would doubtless have become a law had he not been drawn out of the House into the Governorship again. Thus Madison succeeded in postponing final action until the meeting of the next Assembly in October, 1785, on the avowed ground of submitting the question to the people. In the interim, at the solicitation of his principal colleagues, he prepared a draft of a remonstrance for popular circulation. It was drawn up with consummate ability, and at the next session the remonstrancers far outnumbered the petitioners. The assessment bill was overwhelmed, and in its place Jefferson's bill for religious freedom was taken up by Madison and it passed the House of Delegates by a large majority (74 to 20).

<sup>4</sup>Eckenrode, *The Revolution in Virginia*, 173.

This wonderful bill gave a final interpretation to the meaning of the words regarding religious freedom enunciated by Mason in the Declaration of Rights. It was a second Declaration of Independence, differing only from the first as a hymn of praise or hallelujah differs from a war song.

This act placed Virginia again in the front, for all the other states still imposed religious tests upon all the civil office holders, this being especially the case in New England. Even in Rhode Island, Roman Catholics were not permitted to hold office. Virginia was not only the first state in America to take its stand for equality and freedom of religion to all people of all faiths—Christians, Jews, Mohammedans, etc., but the first state in all the world to do so. Mason proclaimed the doctrine and Jefferson explained it. The statute was translated into French and Italian and widely read and commented upon in Europe.

The victory thus happily won was ungenerously followed up by the Dissenters in Virginia. The persecuted became the persecutors. A law favored by Patrick Henry, and against which there would appear now no reasonable objection, incorporated the Protestant Episcopal church. This was repealed, and although it had been repeatedly affirmed by legislative resolve that the parsonages and glebe lands of the Protestant Episcopal church should be guaranteed to it, in 1802 they were confiscated by the state and sold at public auction.

Not long before this time Virginia established her claim to another great priority. She was the first state in the world to treat the slave trade as a crime by imposing a penalty for engaging in it. This was done by an act drawn by the same great statesman, and passed by the General Assembly of Virginia in 1778. The revisers went further and in reporting a digest of the existing laws on slavery they prepared an amendment to be offered when the bill should be taken up, providing for the emancipation of all slaves born after the passing of the act. Circumstances prevented this amendment from being offered, but an act was passed in 1782 permitting owners to

emancipate their slaves, under which more negroes obtained their freedom than were freed by the law in Massachusetts or Pennsylvania.

Four other subjects may be mentioned as enlisting the constructive statesmanship of Thomas Jefferson. The first of these was the right of expatriation. Natural allegiance was esteemed by the common law of England to be perpetual and inalienable, but the doctrine declared by Jefferson in his famous statute (reported in 1779 but passed in 1786), was that expatriation was a part of the natural liberty of mankind. Any citizen of Virginia was given permission to acquire a new allegiance, and to the immigrant a promise of citizenship was held out on application. Again Virginia led the world.

The second subject involved the matter of descent of lands. The statute in this connection drawn by Jefferson was enacted into law in October, 1785, and it took effect from the first of January, 1787. This statute wholly abrogated the common law canons of descent and substituted therefor an entirely new system applicable to every possible case that could happen. The analogies by which it was governed were new, and yet so clear was the framer's conception of his own scheme and so lucid his language that no serious controversy as to its meaning arose for forty years, and the question then raised having been settled, none of consequence has since been suggested, although one or two sections incorporated by others several years afterward have been the subject of repeated litigation. Under the old colonial law of inheritance, which is the English law, the eldest son succeeded to his father's estate, but under this excellent work of Mr. Jefferson the law of affection was closely followed. Thus the general principle of succession was first of all that the land of the decedent was to go equally to his children, if any, or their descendants, and in absence of children or descendants of the decedent, then to his father and if there be no father, then to his mother, brothers and sisters, and their descendants, or such of them as there be, and in the absence of mother, brother, or sister, or descendants, then the

inheritance should be divided into two moieties, one to go to the paternal and the other to the maternal kindred in a given course stated at large. In 1922 a more just conception of the rights of women caused the first change after many years, and it was enacted that the mother and her line should have parity with the father and his line.

The third subject was that of crimes and their punishments. Mr. Jefferson drew a bill in which the death penalty was limited to the cases of murder and treason, a gigantic change in ameliorating the bloody penal code of the day. Labor on the public works was generally substituted in the place of capital punishment. It was brought forward by Mr. Madison in 1785 and lost by a single vote, owing, it is believed, to the principle of retaliation which it contained, and which had been inserted by Messrs. Wythe and Pendleton against the wishes of Mr. Jefferson. Possibly, too, the public mind was not ready for the mitigation in the scale of punishments. In 1796, the subject was resumed, and Mr. George Keith Taylor introduced a bill containing in substance the work of the revisers and without the objectionable feature of retaliation. It differed also in the respect that it substituted solitary confinement and labor in place of labor on the public works. Experiments elsewhere had now prepared the public mind in Virginia for the spirit of Jefferson's bill and the one proposed by Mr. Taylor became a law.

The fourth subject was the important one of education. The statute in regard to William and Mary College fell within Pendleton's part of the revision, but as its charter brought it also within Jefferson's and as it was deemed expedient to determine a general plan of education for the state, Jefferson was requested by his colleagues to undertake the work. He accordingly prepared three educational bills, one providing for elementary schools and academies, and entitled "For the more general diffusion of knowledge;" the second intended to create a university by changes in the work at William and Mary College, and entitled "To amend the charter of the Col-

lege of William and Mary and substitute more certain revenues for its support;" and the last for establishing a public library. By the first two bills the different gradations of instruction were corollated and a program worked out which furnishes the real ideal of the public school system of the United States. It borrowed nothing from the plan of the colonial schools anywhere, nor did it remotely resemble the colonial schools of Massachusetts. Those schools formed no real system, had no central authority, and as the children had to pay for tuition they were not free schools in the sense contemplated by the bills of Mr. Jefferson. Moreover, the object was totally different. The purpose of Mr. Jefferson was to make the children of the Commonwealth useful citizens, but the purpose of the schools in Massachusetts, where only members of the church could be teachers, was to maintain and uphold the autocracy of the Congregational church.

The bill converting William and Mary College into a university, substituted, as its title implied, more certain revenues for its support, changed the number of visitors from 18 to 5, and instead of the "president and six professors" of the charter, it provided for eight professors, one of whom should also be president. These educational bills after being reported from the committee on revision lay on the table until the year 1796, when the bill providing for elementary schools was taken up and passed, but as the introduction of the system was left to the county justices by a provision that was not in the original bill, it did not commence in a single county.

Jefferson's bill for amending the charter of William and Mary was never considered by the Legislature, but he was chosen a member of the board of visitors in the college and effected in 1779 during his stay at Williamsburg as governor, changes correspondent to those embraced in his bill. In connection with President Madison of the college he induced the visitors on December 4, 1779, to abolish the grammar school and the two divinity schools, and in their places introduce schools of modern languages, of municipal law, and of

medicine. By this arrangement the college was made a university, the first to be organized in the United States. The honor and elective principles were introduced, and it became also the first institution in the United States to have chairs of modern languages and of law, while its chair of medicine was only second in time to that of the chair in the college at Philadelphia. The faculty in 1779 was composed of "James Madison, D. D., president and professor of natural philosophy and mathematics; George Wythe, LL. D., professor of law and police; James McClurg, professor of anatomy and medicine; and Robert Andrews, A. M., professor of moral philosophy, the law of nature and nations, and of the fine arts; and Charles Bellini, professor of modern languages."

This was a small faculty, but each of the members was a host in himself. President Madison was a fine lecturer and his talents were shown to their full advantage, when in 1784 he was relieved of the duty of teaching mathematics and made professor of moral philosophy, international law, etc., in addition to natural philosophy, which he always retained. We are told that he was the first to introduce into the college a regular system of lectures on political economy; and in the department of natural philosophy he excelled, his enthusiasm throwing a peculiar charm over his lectures. There is reason to believe that Adam Smith's great work, *Inquiry into the Nature and Sources of the Wealth of Nations*, and Vattel's *Law of Nations* were taught at William and Mary earlier than at any other college in the United States. President Madison was indefatigable in his lectures, and when in good health, is known to have been engaged in his lecture-room from four to six hours a day.

George Wythe, the professor of law had, like Madison, been a student at the college, and for thirty-five years had held the first place at the bar in the State. Mr. Jefferson called him "the pride of the institution," and "one of the greatest men of the age, always distinguished by the most spotless virtue." He gave lectures regularly on municipal and constitutional

law, and in 1780 instituted a system of moot courts and moot legislatures, by which he trained the forty young men under his care in public speaking and parliamentary procedure. He made use of the deserted capitol, at the east end of Williamsburg, for this purpose, and he and the other professors would sit as judges. Being elected, in 1789, sole chancellor of Virginia, he resigned and moved, in 1791, to Richmond, and was succeeded by St. George Tucker, a judge of the general court, and whose "Commentaries on Blackstone" was the first American text-book on the law.<sup>5</sup>

James McClurg, the professor of medicine, had also been a student of the college, and had accomplished his medical education at the University of Edinburgh and on the continent of Europe. By his poem on "The Belles of Williamsburg," he acquired a literary reputation in addition to his reputation as a physician of eminence.

Robert Andrews, the professor of moral philosophy till 1784, and then the professor of mathematics, was a graduate of the College of Philadelphia and very active and useful. His mathematical ability was thought so considerable that he served with President Madison on the commission to define the boundary line of Virginia and Pennsylvania.<sup>6</sup>

Of the modern languages, French, Italian, Spanish and German, were taught at William and Mary after 1779, and the professor was Charles Bellini, an Italian, who in 1773 came to Albemarle County, it is believed, with Philip Mazzei. His abilities were favorably commented upon by Mr. Jefferson, and the fact of his connection with the college so early as 1779 becomes more interesting when we learn that as late as 1814 George Ticknor could find in Cambridge, Massachusetts, neither a good teacher of German, nor a German dictionary, nor even a German book, either in town or college.

In 1788 Mr. Jefferson wrote as follows: "Williamsburg is a remarkably healthy situation, reasonably cheap and af-

<sup>5</sup>*William and Mary College Quarterly*, VI, 182; IX, 80.

<sup>6</sup>*William and Mary College Quarterly*, IV, 103-105.

fords very genteel society. I know no place in the world, while the present professors remain, where I would so soon place a son."

In 1791 Judge John Coalter, who was then a student of law under Judge Tucker, thus also expressed his opinion: "I scarcely know a place more pleasing than Williamsburg, which may justly receive the title (which Homer gives Greece), 'the land of lovely dames,' for here may be found beauty in perfection and not only beauty, but sociability in the ladies."

William and Mary College represented in Colonial times the government and the church, but the Revolution disestablished religion in Virginia, and though Mr. Madison, the President, was made in 1790 first bishop of the Episcopal church, the college never again had an official connection with the Episcopal Church, although the visitors, faculty and students were principally Episcopalians.

As a fruit of the new life in Virginia a seminary was formed in the County of Rockbridge, in October, 1782, by the name of Liberty Hall Academy. Its first rector was William Graham, and it was enacted that he and the trustees of the academy should have perpetual succession and a common seal, appoint all professors and masters, grant degrees, and give bond and security for the faithful discharge of their offices. This institution afterwards became Washington College, and later Washington and Lee University.

Closely following Liberty Hall Academy another institution of learning was incorporated in May, 1783, in the County of Prince Edward by the name of the College of Hampden-Sidney. Reverend John Blair Smith was its first president, and its trustees were given the usual powers of conferring degrees and appointing and removing its officers.

Similarly at the same session, William Fleming, William Christian, Benjamin Logan, John May, Levi Todd and twenty others in Kentucky were made a body corporate, by the name of Trustees of Transylvania Seminary, and empowered to exercise all the powers and privileges enjoyed by the visitors

and governors of other colleges or universities within the state, and it was ordered that the first session of the trustees should be held at John Crow's Station, in Lincoln County, on the second Monday in November, 1784.

From this early action of the Virginia legislature sprang one of Kentucky's most prominent institutions of learning, which after an eventful history is still existing as Transylvania College.

## CHAPTER VI

### THE CRITICAL PERIOD, 1783-1789

Thirteen states, free and independent, had come out of the American Revolution, being recognized as such by Great Britain in the treaty of peace. They had worked in concert for nine years, but their co-operation had been feeble and halting. The divergences between these states was so great that it is safe to say that they would never have come together in a common union had it not been for the British oppressions. Each state required its citizens to take an oath of allegiance, but in every case the oath did not recognize the Continental Congress, or any union of states. The statute of Virginia reported by the revisers, in 1779, and adopted that year, commanded that "every person, by law required to give an assurance of fidelity, shall, for that purpose, take an oath in this form: 'I do declare myself a citizen of the Commonwealth of Virginia; I relinquish and renounce the character of subject or citizen of any Prince or other state whatsoever, and abjure all allegiance which may be claimed by such Prince or other state; and I do swear to be faithful and true to the said Commonwealth of Virginia, so long as I continue a citizen thereof. So help me God.' "

The people of the different colonies had a common speech, it is true, but in their ways of thinking, civil institutions, habits of life, and religious beliefs, a sufficient difference prevailed, even during the Revolution, to distinguish the presence of what amounted to two nations, viz.: a North and a South. There can be little doubt that had time, without outside pressure, decided the question, there would gradually have been formed, under the protection of the British Crown, two confederacies with

national instincts, one a Northern Confederacy and the other a Southern Confederacy.

During the interval that elapsed between 1783 and 1790, the question was in fact problematic whether the union of the thirteen colonies would continue, or whether it would break up in its fundamental elements, which were in reality but two. There never was any probability, as nationalists surmised, of a subdivision of the Union into little commonwealths or principalities engaged in incessant wars with one another, and disunited to the end of time. There were only two centers, and gravitation of the states to one or the other was as certain as anything could be in the realm of reason. The time came when the people of the South and the people of the North were as far apart from one another in wishes and feelings as any two nations in the whole world.

For the moment, however, the ties created by tyrannical British taxation and the common sufferings of the Revolutionary war held the states and sections together, and this union was aided by the nature of the Articles of Confederation, according to which the states entered into a "firm league of friendship" with each other, for the securing and perpetuation of which the freemen of each state were entitled to all the privileges and immunities of citizens of the other states. Mutual extradition of criminals was established, and in every state full faith and credit were to be given to the records, acts, and judicial proceedings of every other state. Congress had the sole right to determine on peace and war, of sending and receiving ambassadors, of making treaties, of adjudicating all disputes between the states, of managing Indian affairs, and of regulating the value of coin and fixing the standard of weights and measures. But there could be no mistake where "Sovereignty, Freedom, and Independence" existed, for it was expressly stated that they were retained by the states. The union was declared to be a confederacy only, and the position in which they left Congress was that merely of a deliberative head. The powers also of Congress were very limited,

but had they been tenfold greater this would not have altered the relations of the states to the Union, when its character was so plainly declared in the Articles themselves.

For any harmonious working of this confederacy, however, there was the necessity of curing at least two defects. The first consisted of lack of power on the part of Congress to raise money to pay the debts and carry out the general purposes of the Union; and the second in the inability experienced of presenting a solid front to foreign countries in regard to commerce. Under the Articles of Confederation the states possessed all powers of laying taxes, tariffs and commercial regulations, and, though Congress had the power to make treaties, none could be made except with the consent of nine of the thirteen states.

A failure of many of the states to pay their quotas and the rapid depreciation of the paper money had forced Congress in the winter of 1781 to request of the states as an indispensable necessity, a grant of a power to levy an impost of 5 per cent on all imports except wool and cotton cards and wire for making them. This was done shortly before Benjamin Harrison arrived at Philadelphia, February 11, 1781, as commissioner from Virginia to seek assistance from Congress against Arnold, who had entrenched himself at Portsmouth after marauding the state. Seeing the necessity of the impost, Colonel Harrison had repaired to the legislature at Charlottesville and, being re-elected speaker of the House of Delegates, May 28, 1781, had warmly exerted his influence to secure the passage of an act in accordance with the wishes of Congress. In this move he had an earnest coadjutor in John Tyler, his colleague from Charles City County. The bill was discussed in the committee of the whole, of which Mr. Tyler was chairman, and receiving the important support of Mr. Henry, was reported by Mr. Tyler to the House on June 9th, and after its passage, carried by him to the Senate with the request for their concurrence.<sup>1</sup> Most of the states took similar

<sup>1</sup>Hening, *Statutes at Large*, X, 409; *Journal H. of D.*, 1781, pp. 11, 12.

action, some before and some after the action of Virginia, but as Rhode Island and Georgia failed to do so, the Virginia legislature at its next session suspended the act until all the states should give their consent.

After the meeting of the Assembly in October, 1782, a feeling of general security prevailed, and the party in the Legislature averse to Federal authority headed by Richard Henry Lee, succeeded in securing the repeal of the impost at the end of the session.<sup>2</sup> Harrison, who was now governor, wrote to Washington that "they (the repealers) were so very quick that the mischief had been done before I knew that the subject was under consideration, or they would probably have missed their aim." The only vote given against the repeal was by Dr. Arthur Lee,<sup>3</sup> who, though opposed to the grant, thought its abrogation at that time highly inexpedient.

The preamble of the repealing act based the repeal upon the statement "that the exercise of any power other than the legislature to levy duties or taxes upon citizens of this state is injurious to its sovereignty and may prove destructive of the rights and liberty of the people." This declaration was a clear announcement that Virginia viewed with great suspicion any plan of general revenue under the control of Congress.

Thus the matter remained until the spring of 1783. Money had to be raised in some way, and Congress renewed its request on May 18th, submitting a carefully digested plan of revenue prepared by Madison with the assistance of Jefferson. The grant was to be limited to twenty-five years, and the officers, though amendable to removal by Congress, were to be appointed by the states. The report was enforced by Madison in an earnest written appeal to the states. A forecast<sup>4</sup> by Mr. Jefferson of the views of the members placed in favor of the measure the Speaker (Tyler), Mr. Henry Tazewell, Gen. Thomas Nelson, Jr., William Nelson, George Nicholas and

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<sup>2</sup>Hening, *Stats. at Large*, XI, 171.

<sup>3</sup>Tyler's *Quarterly*, II, 257.

<sup>4</sup>Bancroft, *Hist. of the Constitution*, I, p. 310.

Archibald Stuart, and against the measure, Richard Henry Lee, Dr. Arthur Lee, Mann Page, John Taylor of Caroline, Charles Mynn Thruston and Alexander White. He was unable to state the attitude of Patrick Henry, the most important of all. However, when the legislature met, practical unanimity must have prevailed, for on May 14, 1783, the Assembly adopted a resolution "That an impost of 5 per cent on certain things imported ought to be granted in order to discharge certain obligations made by Congress under proper regulations." As both Richard Henry Lee and Patrick Henry were on the committee to bring in the bill to that effect, they were both probably convinced of its necessity.

However, the measure thus approved at the beginning of the session was defeated a little later by the very means taken by Congress to ensure its success. Congress had requested Alexander Hamilton to reply to the objections urged by the Rhode Island legislature to the impost. This answer had been drawn by him with great ability, but unfortunately he had inserted into it the suggestion that Congress, by having the power to contract debts binding upon the states, had the constructive power to provide the means for their payment regardless of the states. This claim, it is believed, not noticed at first, was resented by most of the legislatures as destructive of the reserved rights of the states, and they were unwilling to invest additional powers in Congress, disposed to extend its powers so dangerously by construction. Among those thus affected by Hamilton's paper was Patrick Henry. Mr. Jefferson wrote to Mr. Madison, June 17: "Mr. Henry had declared in favor of the impost but when the question came on he was utterly silent." The vote against it was so large that no division was called for.<sup>5</sup> The Legislature at the same time resolved to raise the duty called for by Congress with its own officers and to apply the proceeds to the state's quota of the continental debt, any deficiency to be made up from the tax on land and slaves. Mr. Henry was one of the committee

<sup>5</sup>Ibid., I, p. 317.

to bring in a bill for this purpose and carried the measure against Richard Henry Lee.

In the meantime, General Washington, on June 8th, from his headquarters at Newburg, wrote his celebrated letter to the governors of the different states on disbanding the army. In this, which was intended as his legacy to the people whose liberties had been saved by his sword, he pointed out the weakness of the Confederacy and urged that Congress be vested with the power to collect its revenue, thus endorsing specially the plan proposed. His wonderful influence stopped the current which was setting in towards a separation on sectional lines. Everybody loved Washington, and when the Legislature met in November following, it granted the coveted power to Congress "without a dissenting voice."<sup>6</sup>

To get all of the states to consent to this grant of power was another matter, and the requisitions of Congress were so greatly neglected that it could not meet its public obligations. Virginia was among the most prompt to respond to furnish her quota of expenses, though she claimed that Congress was indebted to her at least £1,000,000, which was not far from the case. Had the original measure of responsibility in 1776 been adhered to in 1792, the result would have turned out very differently from what it did, as has already been noticed.

In the meantime, the question of regulating commerce with foreign nations came up in the legislature. There were at this time three parties in that body, one headed by Patrick Henry, another by Richard Henry Lee, and the third by John Tyler. Mr. Henry and Mr. Tyler were intimate friends, and previous to the preliminary treaty of peace practically concurred in all questions, supporting the national authority in opposition to Richard Henry Lee and his brother, Dr. Arthur Lee, who feared for States rights.

At the session in the spring of 1783, following the news of the signing of the provisional articles of peace, Henry and Lee measured swords in the contest for the speakership when

<sup>6</sup>Sparks, *Works of Washington*, IX, p. 5.

John Tyler was brought forward by Henry in opposition to the forces of the latter and was elected by a vote of 61 to 20. But this was followed by the immediate separation between the two friends, Henry and Tyler, on nearly all the important questions that engaged the attention of the Assembly. Mr. Henry outshone even the Hamilton party in Congress in anxiety to treat what was merely a provisional treaty as a permanent one. He made common cause with Richard Henry Lee, and on May 13th, the next day after the speaker's election, introduced a bill to repeal the several acts of Assembly which prohibited the importation of British goods and a bill almost simultaneously to invite the Tories back to the state. This action was opposed by Speaker Tyler, who in regard to the first measure argued that to repeal the restraints on British trade before the treaty was definitive would be to expel the trade of every other nation, and drive away all competition with the British. In this he was correct, as was afterward proved.

In regard to the latter bill inviting the Tories back, Tyler's reasonings savored rather of prejudice and were not so conclusive, though the danger of introducing spies certainly argued against hasty action. But Henry's eloquence overcame all opposition, and of these bills the first was passed at this session, and the second after much discussion was postponed to the October session, then taken up and passed. A similar policy of relaxation was pursued by Congress. They disbanded the army, set free the British prisoners, and adopted resolutions urging the states to fulfill the provisions of the Provisional Treaty, especially in relation to the payment of the British debts.

So the British government, fearing nothing from the Americans, would consent to no alterations in the final form of the treaty of peace, which when signed at Paris, on September 3, 1783, repeated the very terms of the Provisional Treaty of the year before. In Philadelphia, it was freely charged that "a British party" had come into existence, at the head of

which was Dr. Arthur Lee, John Adams and Henry Laurens.<sup>7</sup>

Among the alterations which had been hoped for was a grant of free trade with the West India Islands and other British colonies, but instead of free trade a royal proclamation was issued July 2, 1783, interdicting the West India trade to citizens and vessels of the United States. Arrogant in their confidence, the English after the surrender of the British prisoners, entirely omitted fulfilling the obligation resting upon them by both the Provisional and Definitive Treaties, and they would neither surrender the slaves which their armies had carried off nor give up the posts on the frontiers of the United States.

The Virginians were not pleased at the result, and when the Assembly met in a joint session during the fall of 1783, while passing the bill admitting the return of the refugees and authorizing an impost act, in accordance with the recommendation of Congress of April 8, 1783, resolved that Congress should have the power, in case of all the other states consenting, to prohibit the importation of products of the British West India Islands into the United States in British vessels, or "to adopt any other measure which might tend to counteract the designs of Great Britain with regard to American commerce."

"This," says Bancroft, "was the first in the series of measures through which Virginia marshalled the United States on the way to a better union."<sup>8</sup> "The British," wrote Jefferson, "are doing us another good turn. They attempt, without disguise, to possess themselves of the carriage of our produce. This has raised a general indignation in America. The states say, however, that their constitutions have provided no means of counteracting it. They are therefore beginning to vest Congress with the absolute power of regulating our commerce."<sup>9</sup>

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<sup>7</sup>Journal, House of Delegates, Dec. 18, 1782.

<sup>8</sup>Bancroft, *History of the Constitution*, I, p. 148.

<sup>9</sup>Randolph, *Letters of Jefferson*, I, p. 344.

At this same session, the Virginia Legislature completed its surrender of the Northwest Territory to the United States by accepting the conditions which Congress had deemed necessary before taking that territory over and receiving an actual deed of conveyance.

When the General Assembly convened in May, 1784, John Tyler was re-elected to the speaker's chair without opposition. Mr. Henry arrived on the 14th of May and was in favor of strenuously reinvigorating the Federal government. To enforce the collection of unpaid balances due the Federal government, he was on general principles in favor of a distress on the property of delinquent states. These views he imparted to James Madison, who, after a distinguished service in Congress, now appeared in the Legislature, and a resolution to that effect was offered and adopted.

The question of trade was met by a resolution which proposed to vest Congress with power to prohibit, for any term not exceeding fifteen years, the importation or exportation of goods to or from Virginia, in vessels belonging to subjects of any power with whom we had no commercial treaty; the proviso being, that to all acts passed by Congress in pursuance of the authority granted, the assent of nine states should be necessary. This resolution<sup>10</sup> appears to have received the unanimous concurrence of the House, and was in exact pursuance and performance of a recommendation made by Congress on April 30, 1784.

On the question of raising taxes, however, it appears that Henry, notwithstanding his attitude as to employment of arms to enforce the requisitions of Congress, shrank from the adoption of measures which alone would have given any weight to the recommendations of Virginia. Influenced by the distresses of the state, Mr. Henry was in favor of postponing the tax levies for this year, and though he was opposed by all the influential members of the House, including Richard Henry Lee, the Speaker, James Madison, John Page, Archibald

<sup>10</sup>Hening, *Statutes at Large*, XI, pp. 388, 389.

Stuart, and Henry Tazewell, who had secured a majority of thirty against the bill in the committee of the whole, by sheer force of his eloquence he reversed the vote on the floor of the House after the bill was reported. This has been declared one of Mr. Henry's greatest victories.

On another subject, almost as important as the revenue and trade of the country, the men of talents in the House divided more evenly. Messrs. Richard Henry Lee, James Madison, Henry Tazewell, Wilson Cary Nicholas and Archibald Stuart were in favor of the full performance of the treaty, and that without inquiring whether or not a breach had occurred first on the part of Great Britain. In this view Washington and Jefferson, outside of the Assembly, were understood as concurring. On the other hand Patrick Henry, John Tyler, Spencer Roane, Carter Henry Harrison, Gen. Thomas Matthews, French Strother and Edmund Ruffin, Jr., at the head of a majority in the Legislature, were against carrying out its provisions until Great Britain had performed her part of the bargain. Congress made treaties, but upon the states devolved their execution, and it was expecting perhaps too much to suppose that the latter would merely ratify the act of Congress and have no will of their own. When the Legislature met in May, 1784, the determination of the British to hold the posts on the lakes was not known, but several citizens of the state had visited New York to secure their captured property and had been denied.

On a motion, therefore, in the Assembly June 7, 1784, to repeal all the laws that prevented due compliance with the stipulations of the treaty, the negative prevailed by a vote of 57 to 37.<sup>11</sup>

The treaty of peace had never been a favorite in Virginia. It was considered that the people had been in a measure betrayed by the negotiators, Benjamin Franklin, John Adams and John Jay—especially, the latter two, who hated Frenchmen. Contrary to the representations of the Virginia Assem-

<sup>11</sup>Journal, House of Delegates, p. 41.

bly and Congress too, the United States negotiators had secretly signed a treaty with Great Britain apart from France, and justified their action on the rather flimsy ground that France was making secret overtures to Great Britain in regard to the fisheries and the western boundary. It might be answered that even supposing France was guilty of an immoral act, that did not justify an immoral act on the part of the Americans.<sup>12</sup> Such conduct was especially reprobated in Virginia, which had seen the evidences of our ally's power on our own soil in a manner too convincing to be easily forgotten.

The House accordingly appointed a committee to examine into the truth of the complaints against the British, and on June 14, 1784, the committee reported that the charge of a breach of the treaty by them was correct, that slaves and other property of citizens of the United States had been detained and sent away. This report was considered in the Committee of the Whole and resolutions were finally adopted June 23rd by the Legislature instructing the Virginia delegates to inform Congress "that the General Assembly had no inclination to interfere with the power of making treaties with foreign nations, which the Confederation hath wisely vested in Congress." but it was conceived, "that a just regard to the national honor and interest of the citizens of this Commonwealth, obliges the Assembly to withhold their co-operation in the complete fulfillment of the said treaty, until the success of the aforesaid remonstrance is known, or Congress shall signify their sentiments touching the premises." One of the provisions of the treaty provided that "creditors on either side shall meet with no lawful impediment to the recovery of the full value, in sterling money, of all bona fide debts heretofore contracted." It was resolved by the Legislature at this time "that so soon as reparation is made for the aforesaid infraction, or Congress shall adjudge it indispensably necessary," such acts of the Legislature passed during the late war as prohibit the recovery of British debts, "ought to be repealed

<sup>12</sup>Rives, *Madison*, I, 359, 360.

and payment thereof made in such time and manner as is consistent with the exhausted state of the Commonwealth."<sup>13</sup>

This session of the Legislature was memorable for its affectionate address to George Washington, which thanked him for his unremitted zeal and services in the cause of liberty, and congratulated him on his return to his native state and to the exalted pleasures of domestic life. A committee appointed to consider what further measures might be necessary for perpetuating the gratitude and veneration of his country, reported in favor of a statue to be erected of the finest marble and best workmanship. The report was approved and Mr. Madison prepared the inscription which was to appear upon the pedestal:

“The General Assembly of Virginia, having caused this statue to be erected as a monument of affection and gratitude to George Washington, who, uniting to the endowments of the hero, the virtues of the patriot and exerting both in establishing the liberties of his country, has rendered his name dear to his fellow-citizens and given to the world an immortal example of true glory.”

This statue of Washington, executed by the celebrated French artist Houdon, who was selected by Mr. Jefferson, the United States Minister in Paris, stands as an inspiration to-day, with the inscription proposed, in the lobby of the House of Delegates.

The same success did not attend the bill granting the Secretary's Land, in Northampton County (laid out in 1619) to Thomas Paine, the famous author of “Common Sense,” which was offered by Mr. Henry and highly approved by Washington. News got about that Paine was the author of a pamphlet, “Public Good,” denying the right of Virginia to the Western country, and the bill was laid aside.

The next session began October 18, 1784, but it was not till November 1st, that a quorum attended. On the 15th of No-

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<sup>13</sup>Journal, House Delegates, June 22, 1783.

vember, shortly after the commencement of business, General Washington visited Richmond to press his plans of internal improvement for the state. An act was passed to encourage the navigation of the Potomac River from tidewater to the highest place practicable on the north branch, and subscription books for the purpose were opened in Richmond, Alexandria and Winchester. Similarly the James River Company was incorporated for clearing and extending the navigation of James River from tidewater up to the highest parts practicable on the main branch thereof, and books were opened for subscription in Richmond, Norfolk, Botetourt Court House, Lewisburg and Charles Irving's Store in Albemarle. This legislation, like most of the important work of this Assembly, was sponsored by the able representative from Orange, James Madison, and through his agency was the broad program laid of that whole system of internal improvements, which became afterwards an object of policy in the state, though not always consistently carried out.

On November 17, 1784, Mr. Henry was elected governor of the commonwealth, "without competition or opposition," to succeed Benjamin Harrison, whose three years expired at this time. This unanimity was attributed to his vote on the refugees, which had conciliated the Lee faction. Having already served three years, he was by the constitution rendered incapable of re-election till an interval of three years had passed. In these three years of disability, Mr. Jefferson, General Nelson and Benjamin Harrison had all three been elected.

LaFayette arrived on the 18th of the month and Speaker Tyler appointed two committees, at the head of both of which was Patrick Henry, to assure the two distinguished visitors, Washington and LaFayette, of the veneration felt for their characters by the people of the Commonwealth. As further evidence of the honor in which they were held, an act was passed giving to Washington fifty shares in the Potomac Company and one hundred shares in the James River Company, and on December 1, 1784, a resolution was unanimously agreed to,

authorizing the Governor and Council to carry out the resolution adopted December 1, 1782, for making a marble bust of the Marquis LaFayette to be executed in Paris and presented in the name of the Commonwealth to that great city, as well as to have another made bearing a similar inscription and to be erected near the statue of General Washington in such public place at the seat of government in Virginia as the Legislature might hereafter decide. Both Washington and LaFayette expressed themselves as greatly pleased with these testimonials of honor, but Washington declined to take any advantage of the gift made to him, and informed the governor, Patrick Henry, that he would hold the shares only in trust for some public object, to be afterwards designated. Later the shares in the James River Company were applied by him to the "better endowment of Liberty Hall Academy, at Lexington, in Rockbridge County,"—an institution which afterwards assumed the name of Washington College, and later of Washington and Lee University; and the Potomac shares he set apart by his will, as well as by a previous assignment, in aid of a national university to be established in the District of Columbia.

Among the other important bills of this session which became laws were one giving James Rumsey for ten years exclusive right of constructing and navigating boats against the current of rapid rivers in the state, the beginning of steam navigation in the United States; another already mentioned for incorporating the Protestant Episcopal Church of Virginia; and another, proposed by Mr. Madison, to prevent the offenses against the law of nations known as *filibustering*—this act being the first example of American legislation directed to this end. "This measure," says Madison, "was warmly patronized by Mr. Henry and most of the forensic speakers, and no less warmly opposed by the Speaker and some others. The opponents contended that such surrenders were unknown to the law of nations and were contrary to our Declaration of Rights." The bill passed by a majority of one—44 to 43—and

by its fourth section, Virginia led the way to making the principle an accepted one in the international law of the world. By this section, the Governor was formally required to transmit copies of the act to the Governors of the colonies of such nations as might be the subject of injury from disorderly citizens of Virginia.

The question of the British debts came up for action again at this session. No answer had been received from Congress to the resolution passed at the previous session, but a marked change in the mood of the country had ensued from the intervening exchange of the ratifications of the treaty of peace. General Washington's presence in Richmond had also a prevailing influence. Mr. Henry was out of the way and Mr. Tyler, "the other champion at the last session against the treaty was half a proselyte." Monroe had written that the British would hold the Western posts until the treaty was complied with by the Americans, and Speaker Tyler replied that, though smarting under the injustice, he would follow the wishes of Congress.<sup>14</sup>

Consequently both houses of the Legislature adopted resolutions that the Fourth Article of the Definitive Treaty of Peace regarding debts due British subjects should be carried out, and to this end a bill was introduced by Madison for paying the debts in seven instalments without interest during the war. Unfortunately in the discussion and vote on the bill there was a disagreement between the Senate and the House, necessitating a conference of the two houses.

In the conference, the House produced a proposition for settlement, to which the Senate assented with some amendments, considered in the House January 5, 1785. All the amendments but one were accepted at last and the action of the House was signified to the Senate by Mr. Henry Tazewell.

But the delays attending the measure had spun it out to the day preceding the one fixed for a final adjournment. Several of the members went over to Manchester in the evening with

<sup>14</sup>*Letters and Times of the Tylers*, III, p. 9. John Tyler to James Monroe.

an intention of returning the next morning, but the severity of the night rendered their passage back impossible. The members present voted to delay the adjournment, but the next day presented the same obstructions in the river. Then the House adjourned till the last day of March, 1785, and the bill failed to become a law.

To conclude the history of this once famous subject, the Assembly of Virginia, in December, 1787, passed an act repealing all laws placing impediments in the way of British creditors, but suspending its operation until England should surrender the posts on the frontiers and return the slaves they had taken from the Commonwealth or reimburse it to the amount of their value. In this fashion the matter rested until 1788, when the Federal Courts were open to the British creditors and decided the suits in their favor. And then in 1794 Jay's Treaty agreed to indemnify the British creditors for losses incurred since the peace through legal impediments. As an offset the British in 1796, after holding the forts on the frontier for thirteen years, at last gave them up, and in 1802 the United States appropriated \$2,664,000 in payment of British creditors for losses incurred.

The Virginians have been censured by Northern writers for this unwillingness to pay their British creditors, but they argued that these British debts were nothing like equal in amount to the value of the slaves which the British stole during the Revolution and never paid for, despite the terms of the Treaty of Peace, which promised their return. In truth, there has been much said by historical writers of the sanctity of private debts, and the wonder is that not more has been said of the sanctity of treaty obligations. One certainly is as important as the other.

In the meantime, the question of the impost and the regulation of trade occupied much of the attention of the people of the United States. Connecticut, incensed at Rhode Island for restricting her trade, passed an act making the consent of only twelve states necessary to the operation of the impost

within her limits. Not long after, Mr. Tyler moved in the Committee of the Whole House of the Virginia House of Delegates a resolution of the same purport as that which received the sanction of Connecticut. The proposition was supported by Ex-Governor Harrison and opposed by Madison, but it received the approval of the Committee of the Whole, and was reported favorably December 13, 1784. But when a bill was brought in in pursuance to the resolution and put to the vote, it failed to receive the approval of the House.

The question of trade was considered in Congress, and in March, 1785, Monroe made a report recommending "that the Ninth Article of the Confederation should be amended so as to confer upon Congress the exclusive right and power of regulating the trade of the states, the proceeds of the duties laid to accrue to the use of the state in which the same should be payable and provided that every such act of Congress should have the assent of nine states." Later on, as the three more Southern states were unwilling to trust the Navigation Acts to the voice of nine, or even of ten states, Monroe substituted eleven states for his first proposal of nine.

The question was considered by the House of Delegates of Virginia in the fall of 1785. The session opened with a hot contest between John Tyler and Benjamin Harrison for the speakership. The latter, now out of his governorship, wanted his old place as speaker, then occupied by Mr. Tyler, and at the election for the May House of Delegates the contest in Charles City was felt as one for the speaker's chair itself. Harrison, when governor had incurred much unpopularity in Charles City and the neighboring counties because of his orders to the militia of the counties to level the fortifications at Yorktown. He, therefore, lost his election in his native county, but having another estate in Surry he hastened thither and the election occurring some three weeks after that in Charles City, he managed by being elected from the County of Surry to carry the contest for the Speakership to the floor of the House itself. There he defeated Mr. Tyler by a majority of six, but his vic-

tory shortly afterwards was nearly frustrated by an impeachment of his election in the County of Surry in which the charge of non-residence was brought against him in the House, decided against him in the Committee of Privileges and Elections by the casting vote of the chairman, and reversed in the House by a very small majority. Harrison thus prevailed, but the shock of his conflict with Mr. Tyler followed him for several years after. In the election of the following year he was defeated in Surry and also in Charles City, where he made a second experiment, and it was not until the second year that he succeeded in so far regaining the popular favor as to be reinstated a representative for his native county.

After this matter of the speakership was settled, petitions poured in from Norfolk, Portsmouth, Suffolk and Alexandria denouncing British restrictions on trade and praying relief. On the simple question of vesting Congress with the grant of power the Committee of the Whole was practically unanimous and a special committee, consisting of Messrs. Prentiss, Tyler, Madison, Henry, Lee, Meriwether Smith, Braxton, Ronald, Innis and Bullitt, reported on November 14, 1785, a measure giving Congress power to regulate trade on consent of two-thirds of the states, for a period which was finally determined to be thirteen years. In this form the bill passed the House of Delegates, November 30, 1785, but as fashioned it did not give satisfaction, and the next day it was reconsidered and repealed.<sup>15</sup>

In the debates which ensued in the Committee of the Whole, Colonel Harrison, the new speaker, expressed himself as opposed to any grant to Congress of the power to regulate trade, and in a letter to Washington expressed his decided conviction that such a power would in time make the states south of the Potomac little more than appendages of those north of it.<sup>16</sup> Charles Mynn Thruston and Francis Corbin agreed with him in opinion, the former considering it problematic whether it

<sup>15</sup>Journal, House of Delegates, p. 66.

<sup>16</sup>Sparks, *Washington's Works*, IX, p. 266.

would not be better to encourage the British than the eastern marine. Carter Braxton and Meriwether Smith were of the same views, though absent at the crisis of the question. Madison, in reporting the debate, "thought them bitter and illiberal against Congress and the northern states beyond example," but it is probable that after all they exhibited only a better knowledge of the constitutional situation, as the "two nation idea" was receiving an emphatic illustration at this very time.

The rescission of the original commercial propositions occurred on December 1, and the same day they were laid on the table and an alternative proposition, which had been kept in reserve by the friends of the grant of power to Congress, was introduced by John Tyler.

The history of this proposition takes us back some distance. Commissioners had been appointed by the state of Virginia, on Madison's motion, June 28, 1784, to meet and confer with commissioners from the state of Maryland for the purpose of agreeing upon measures to regulate the trade of the two states in Potomac River and Chesapeake Bay. The charter of 1632 to Lord Baltimore defined the boundary between Maryland and Virginia as the southern shore of the Potomac. This boundary the constitution of Virginia confirmed, but reserved the right to Virginia of the free navigation of the river conjointly with Maryland. Almost simultaneously with the appointment of these commissioners, an act was passed incorporating the Potomac Company for improving the river's navigation and opening communication with the western country. Washington had cherished this project ever since 1754, and his interest in the work on the river was very strong at all times. The commissioners met at Alexandria in the latter part of March, 1785, and were joined by General Washington, who showed George Mason, one of the commissioners, a copy of a resolution of the Virginia Assembly, not known to him before, giving the Virginia commissioners, or any two of them, authority to unite with the Maryland commissioners in inviting the state of Pennsylvania to cooperate with them in providing convenient regu-

lations for the use of the Potomac River in connection with the Ohio.<sup>17</sup>

On Washington's invitation the commission moved from Alexandria to Mount Vernon, and here on March 28, 1785, they settled the terms of a compact by which freedom of navigation was granted by Virginia to Maryland over Virginia waters and by Maryland to Virginia over Maryland waters. Light houses, buoys, etc., on the Potomac and the bay were to be maintained at the expense of both states, Virginia paying five parts and Maryland three parts. A supplemental report to be sent to the legislature of either state recommended the annual appointment of commissioners who amicably meeting should determine according to the exigencies of commerce on common rates for both Maryland and Virginia.<sup>18</sup>

The compact and supplemental report came before the Maryland legislature November 22, and that state, while ratifying both, added a section inviting Pennsylvania and Delaware into the same system of commercial policy. Pennsylvania and Delaware accepted the invitation, and on February 20, 1786, Maryland named her commissioners to meet the commissioners from the states of Pennsylvania and Delaware. But this action came too late, for Virginia had already passed resolutions of invitation to all the states.

Now it was not a part of the program of Madison and Tyler that a partial uniformity of trade regulation should be effected by agreement between groups of states, but they wished the uniformity to prevail throughout the whole country and to be under control of the national congress, so when they perceived the hopelessness of expecting the Virginia Legislature to concede to Congress more than a limited grant of power to regulate trade they took up the proposition passed by Maryland November 22, and formed it into a request to all the states to appoint commissioners to meet and take into consideration the trade of the United States. "Such a com-

<sup>17</sup>Hunt, *Life of Madison*, 87-94.

<sup>18</sup>Hunt, *Life of James Madison*, p. 106.

mission it was hoped would recommend to the different state legislatures to do what the Virginia legislature persisted in refusing to do.”

This was the purport of the resolution introduced by Mr. Tyler on the 1st of December. On the 5th the resolutions of the Maryland legislature was laid before the Assembly by the governor, but leaving them and Mr. Tyler's motion suspended, the Legislature went off into a long wrangle regarding British restrictions on local trade. On the 27th a bill to approve and ratify the compact agreed to at Mount Vernon was read the second time and ordered to be committed to a committee, of which Messrs. Madison, Tyler, Zane, Corbin, Braxton and Sims were the members.

The close of the session approached and on January 16, 1786, the last division on that day showed only 80 members in attendance, whereas on November 30th, 107 members had given their names among the ayes and noes. The last day of the session dawned on January 21, 1786, and nothing had been done as to the commerce matter. Suddenly Mr. Tyler called up his alternative bill for the political commercial convention, and, glad of the opportunity, the House passed it by a large majority, meeting, however, with the irreconcilable opposition of Francis Corbin and Meriwether Smith. The same day it passed the Senate, and became a law. The commissioners appointed were the Attorney General of the State, Edmund Randolph, James Madison, Dr. Walter Jones, St. George Tucker, Meriwether Smith, George Mason, William Ronald and David Ross. Mr. Tyler who moved the resolution, was not named a commissioner, doubtless because of his election on December 20th to the Court of Admiralty in the room of Benjamin Waller, resigned. A quorum of the Virginia deputies elected to the proposed convention met in Richmond after adjournment of the legislature, and proposed Annapolis as the place for the meeting and September 14th as the date.

During this session the legislature transacted much other business, some bad, some good. The state had gained

some reputation by paying its quota the year before, but by postponing the collection of the taxes it made it doubtful whether there would be a penny in the treasury to make payment this year. On the other hand the legislature conferred honor on itself by suppressing the "itch for paper money," as Madison characterized it, and overwhelmingly defeated a bill to repeal the act permitting the manumission of slaves, passed in 1782.

Other important bills became laws—one giving permission to Kentucky to call a convention for making it a state, another for naturalizing the Marquis de LaFayette, another for securing copyrights to authors of literary works, and another for suppressing any attempt to erect and establish within the confines of Virginia any government independent of the same. This last bill, which is still preserved in the handwriting of John Tyler, was directed against the efforts of Colonel Arthur Campbell and others in Southwest Virginia to form a new state within the limits and without the consent of Virginia. Had the Assembly performed no other act than that of passing the bill for religious freedom, extinguishing forever the ambitious hope of making laws for the human mind, this session would have stood illustrious in the annals of Virginia.

Of the delegates appointed to attend the convention at Annapolis, Sept. 14, 1786, called by Virginia, Madison, Edmund Randolph and Mr. Tucker of the commissioners were present. By September 11th, Delaware, New Jersey, New York and Pennsylvania were also represented. Maryland, North Carolina, South Carolina, Connecticut and Georgia sent no delegates. New Hampshire, Rhode Island and Massachusetts selected delegates, but they did not deem it worth while to attend. John Dickenson, of New Jersey, was elected president, but the attendance was so slim that, under the leadership of Hamilton, the convention decided to do nothing but merely to issue an address calling for another delegation. In this address the extreme expressions of Hamilton were modified by Randolph, who was then at the height of his power in Virginia. It repre-

sented that it was not enough to correct the constitution in its commercial features, but that the revision should be extended to the whole Federal system, and for this purpose the address recommended another convention of delegates from the states to meet in convention in the City of Philadelphia, on May 2, 1787.<sup>19</sup>

The convention dispersed and the initiative was once more taken by Virginia. The Legislature met in Richmond on Monday, October 16, 1786, but a quorum for business was not obtained till a week later. On Monday, October 23, Joseph Prentiss was elected Speaker, over Theodoric Bland. Mr. Henry, not choosing to serve the full three years as governor, let it be known that he would retire at the end of his second year, and the Assembly on November 7, 1786, elected Edmund Randolph, the attorney general, to take the office on November 30th following.

The most important measure adopted at this session was an act pursuant to the recommendation of the convention at Annapolis, which, after reciting the necessity of laying aside every inferior consideration and concurring in such further concessions and provisions as might be necessary to secure the great objects for which the Union had been originally instituted, authorized the appointment of seven commissioners by a joint ballot of both houses, to assemble in convention at Philadelphia, as recommended, and join with the delegates from the other states in devising and discussing all such alterations and further provisions as might be necessary to render the Federal constitution adequate to the exigencies of the Union. Under this provision, on December 4th, the following delegates were selected: George Washington, Patrick Henry, Edmund Randolph, John Blair, James Madison, George Mason and George Wythe. Washington received the unanimous vote. Thomas Nelson, Jr., Isaac Zane, Meriwether Smith, Benjamin Harrison and John Page were put in nomination and defeated. Mr. Henry declined the election for

<sup>19</sup>Ibid., p. 110.

various reasons, some of them of a private nature, but doubtless chiefly to hold himself more free in his action on the work at Philadelphia when submitted to the people of Virginia. The vacancy decreed by Henry's declining to act was first offered to General Nelson, and next to Richard Henry Lee, and upon both of them declining, it was filled by Dr. James McClurg, who till his removal to Richmond about this time held the chair of medicine at William and Mary College.

The convention assembled at Philadelphia at the time specified and the Virginians were easily the most important and powerful men present. As a starting point for the debates our delegates considered a plan of government, and they spent three weeks while waiting for a quorum of delegates to reach Philadelphia, in drawing one up. It contained the features of Madison's ideas of government as outlined in his letters to Randolph and Washington, but it was Randolph's hand that actually drew up the resolutions, and as governor of the state and a fluent and persuasive speaker, the distinction of presenting them to the convention fell to him. This he did on May 29, 1787, when eight states had assembled. The work of the convention was concluded on September 17, 1787. After the convention got well on in its work the fact became generally recognized that the first man in all the Assembly was James Madison. William Pierce, a delegate from Georgia, described him in the notes he took in the convention as "blending the profound politician with the scholar" and as "evidently taking the lead in the convention on every great question." "Mr. Madison was about thirty-seven years of age, a gentleman of great modesty—with a remarkably sweet temper—he is easy and unreserved among his acquaintances and has a most agreeable style of conversation."<sup>20</sup>

As representing ideals of a union of homogeneous elements, Madison attained nearest a perfect vision. He looked beyond state borders and saw a great future for the new American Nation, but he never did understand the irreconcilable char-

<sup>20</sup>Hunt, *Life of James Madison*, p. 134.

acter of the work which he had undertaken, and which only extraordinary circumstances coming in aid of a sectional power permitted to be realized. More conscious of the real conditions were Madison's distinguished colleagues, Mason and Randolph, who were so strongly opposed to some of the articles of the constitution that they both refused to sign it. These articles undoubtedly put authority in the hands of a sectional majority and emphasized those distinctions between the North and the South which could not be removed except by separation or the conquest of one section by the other.

When submitted to the states the action of the convention at Philadelphia gave rise to great agitation. The convention that assembled in Richmond on June 2, 1788, to take the proposed constitution into consideration easily surpassed in character and talents any other of the ratifying bodies in any other state whatsoever. Taken individually or collectively, its membership bore favorable comparison with the picked delegates of the Federal convention in Philadelphia the year before. Randolph, Madison, Pendleton, Wythe, Nicholas, Corbin, Henry Lee, Marshall and Innis represented the advocates of the constitution, and Henry, Mason, Grayson, Harrison, Tyler, Meriwether Smith and Monroe threw their immense weight against it. Chancellor Pendleton was chosen president of the Convention and Judge Tyler vice-president, and Chancellor Wythe acted generally as chairman of the Committee of the Whole. In this distribution of the membership in favor of ratification and against it, there had been in a short interval many changes. Edmund Randolph, in spite of his refusal to sign the constitution, was in the State convention one of its champions, and so was Francis Corbin, who in the State legislature had been violent in opposing any grant of trade to Congress.

Henry, Mason, Grayson, Harrison, Tyler and Monroe, who had been strong in favor of strengthening the Federal government, were now opposed to the constitution without previous amendments of a fundamental character. The cause of

this opposition lay in an incident which revealed in a most striking manner the fundamental sectional differences of which we have spoken, arousing in the minds of these gentlemen a strong apprehension that in advocating a strong government they would be only consenting to subjecting the South to the tyranny of a Northern majority, who would use the Union as an instrument merely for its own aggrandizement.

The history of this affair was as follows: During the American Revolution, Spain had been anxious to secure both sides of the Mississippi River so as to control its navigation. On declaring war against Great Britain she had seized some of the British posts, which enabled her to claim that she owned both sides of the mouth of that great stream. The United States opposed this claim and Madison wrote a great state paper in October, 1780, in which he made clear that Spain's possession of both banks of the mouth was neither an actual nor an equitable bar to prevent the use of the river. Stress was laid upon the authority of Vattel to show that an innocent passage was due to all nations at peace, even for troops, through a friendly state, and this applied equally to a water passage. Later the South was so overrun by British military successes that the armed neutrality of Europe under Catherine II of Russia began to make itself feared, and serious beliefs were entertained that the allied neutrals would force a peace between the United States and Great Britain, upon the basis of which each belligerent would keep such territory as each actually held, the *uti possidetis*. This produced a change in the views of the Virginia delegation, and the Assembly sent them instructions passed January 2, 1781, to yield to Spain "every further or other demand of the said navigation" which was "necessary in the interest of a treaty" designed to aid in securing the independence of the United States. Spain did not accept the overture made by Congress pursuant to the views of Virginia. No alliance was formed and the Mississippi remained an open question.<sup>21</sup>

<sup>21</sup>Hunt, *James Madison*, 56.

The treaty of peace with Great Britain in 1783 rendered the Treaty of Alliance with Spain unnecessary, and Virginia returned to her old position in favor of the free navigation of the Mississippi, from which she had departed for profoundly patriotic reasons. So when Don Diego Gardoqui presented his credentials as minister from Spain July 2, 1785, the Virginia delegation was no longer willing that a treaty should be negotiated with any surrender of such vital nature. On August 25, 1785, Congress instructed Jay to adhere to the position originally taken by the United States and on this point as set forth in the instructions written by Madison in October, 1780, but John Jay, the Secretary of Foreign Affairs, interested in securing for the Eastern States an advantage to the fisheries conducted negotiations with the Spanish minister upon a basis of closing the river for twenty-five or thirty years, and on August 3, 1786, Jay laid his plan before Congress. He asked Congress to change his instructions and permit Spain to use the exclusive right to navigate the Mississippi for the time mentioned.

This Congress considered in secret session, and on August 25, 1786, by a vote of seven Northern states against five Southern states they changed Jay's instructions and revoked at the same time the order to conclude no treaty until it was communicated to Congress. Jay then proceeded to frame an article in the proposed treaty in accordance with the instructions of seven Northern states. There is strong evidence that the Northern states had resolved amongst themselves to form a separate confederacy unless they could force the project of surrendering the Mississippi, the object being not only to promote the fisheries but to stop the growth of the Southern states towards the west. It is said that in all this intrigue the plan of separation was more talked of in Massachusetts, and is supposed to have originated there.

Monroe, who communicated the information to Governor Henry in a letter<sup>22</sup> dated August 12, 1786, made a just comment

<sup>22</sup>Henry, *Life of Henry*, II, 291-298.

upon John Jay in the following words: "This is one of the most extraordinary transactions I have ever known, a minister negotiating expressly for the purpose of defeating the object of his instructions and by a long train of intrigue seducing the representatives of the states to concur in it." But this kind of diplomacy was not new to Jay, as shown by the scandalous way he acted in making the Treaty of Peace, contrary to his instructions from Congress and the faith we owed to France.

To the South the whole affair was a tremendous awakening. That the Northern states for whom Virginia had done so much should from a purely selfish purpose attempt to give away the navigation of the Mississippi so valuable to her and to the South, at the risk of losing the all important Western country and dividing the Union, was a shock to her most patriotic sensibilities. Even at this day, when the introduction of railroads has brought the east and west together in a manner never anticipated, the great river is still an invaluable source of commerce for the states along its banks. Madison reported to Washington, December 7, 1786, that "many of our most Federal leading men are extremely silent after what has already passed" and that "Mr. Henry, who has been hitherto the champion of the Federal cause has become a cold advocate and in the event of an actual sacrifice of the Mississippi by Congress will unquestionably go over to the opposite side."

Indeed the wonder is that the State convention met at all, instead of meeting and dividing up merely upon the extent of the powers to be vested in the Federal agent. It put the majority of the people of Virginia undoubtedly against the constitution, and it was only owing to the undue proportion of delegates which the State constitution gave to the smaller counties in favor of ratification over the populous counties that were opposed to it that the constitution was approved. In the midland and western counties where the radical spirit of the Revolution had most prevailed, the strength of the opposition

was great, but in the small counties, where the conservative influence had prevailed, the vote was generally in favor of the constitution. In the State convention itself, where Madison led the Federalists, Theodoric Bland reported the two parties after a twelve days session almost equally divided, each side boasting by turns of a majority. It was probably only through the tact of Madison in explaining away the danger in reference to the Mississippi that the ratification by 89 to 79 was carried. He made the important disclosure to the Convention of the actual state of affairs in Congress existing at the moment. Seven states were not now disposed to surrender the river. New Jersey had instructed her delegates not to surrender it and Pennsylvania was of the same view. A few days later he brought the matter to a close by saying: "Were I at liberty, I would develop some circumstances that would convince this house that this project will never be revived in Congress and that therefore no danger is to be apprehended."<sup>23</sup>

In asking for a modification of the Constitution, Henry "made the fight of his life," and future events justified his prognostications that the increase of power, though it might build up a strong nation, would redound to the benefit of the Northern majority. He first made a call for a convention to adopt amendments. Defeated in that he proposed subsequent amendments, in which Mr. Madison and the opposition acquiesced. Moreover, the adoption of the constitution itself was guarded by a preamble which it was argued operated as a condition precedent. This ratification presented a saving to the people of Virginia in favor of a rescission of the Constitution "whenever the powers granted unto it should be perverted to their injury or oppression." The guardians of states rights were assured by Wilson Cary Nicholas that "no danger could ever arise, for the constitution cannot be binding on Virginia but with these conditions. They can exercise no power that is not expressly granted them."

<sup>23</sup>Hunt, *Life of James Madison*, p. 66.

This was mere talk. To acquire more slaves and promote a present advantage, the Southern states in the Convention at Philadelphia had sacrificed one of the best guarantees of power which they had. We have noted the terms of Monroe's report in 1785, which required the consent of eleven states to the passage of a commercial law. In the convention at Philadelphia the committee of detail reported in favor of consent of nine states. The Eastern states wanted a simple majority and the Southern states of Georgia and South Carolina bargained away their best guarantee in return for the votes of New England in favor of the slave trade for twenty years.

The indignation of the Virginia representatives was intense at this shameless combination. "Twenty years," cried Madison, "will do all the mischief that can be apprehended from the liberty to import slaves." Colonel George Mason lamented that "some of our Eastern brethren have from a lust of gain engaged in this nefarious traffic." And he said furthermore: "The effect of a provision to pass commercial laws by a simple majority would be to deliver the South bound hand and foot to the Eastern states and enable them to exclaim in the words of Cromwell on a certain occasion: 'The Lord hath delivered them into our hands.'" He went away, as we have seen, without signing the constitution.

In the Virginia convention which followed, Madison was compelled to defend the sections of the constitution in which this bargain was expressed and showed to poor advantage. Tyler expressed the desires of all the opponents of the constitution in the convention when he said that "his earnest desire was that it should be handed down to posterity that he opposed this wicked clause." This action of the Federal convention drew the line of demarcation between the sections more deeply than ever. According to Dr. Dabney,<sup>28</sup> more than 125,000 negroes were introduced, chiefly through northern vessels, into the country between 1788 and 1808, whose descendants in 1860 must have verged on 1,000,000, and it was only a temporizing

<sup>28</sup>Dabney, *Defense of Virginia*, pp. 58, 59.

policy that lay at the basis of another compromise, which increased the representation of the South by permitting three-fifths of the slaves to be counted in the electorate. This effected no real security and a new principle was later introduced in Congress of keeping up a balance of power by the admission of a slave state *pari passu* with a free state. One wonders now at the shortsightedness of the Southern people in supposing that such protection could be made permanent.

PART III  
VIRGINIA UNDER THE FEDERAL  
CONSTITUTION, 1789-1861



## CHAPTER I

### FEDERALIST DOMINATION OF THE UNION, 1789-1801

That the Constitution did not reflect the wishes of the people of Virginia was shown by the complexion of the House of Delegates—the popular branch of the Virginia Legislature. This body had been elected in April, 1788, a month after the members of the Convention had been chosen. They must have been selected with reference to their opinions about the proposed Constitution, which was the absorbing topic. The Legislature held a short session beginning June 23, two days after the State Convention adjourned, and after transacting business of an ordinary character, the members returned home, as we are told, to gather in their harvest. But that short visit to their constituents appeared to have instilled into the minds of a great majority, if it was wanting before, a most determined opposition to the Constitution, which had just been accepted by the Convention. Jefferson wrote to William Short that the Assembly was “possessed by a vast majority of anti-Federalists,” and that “Henry was supreme.”

When the Assembly convened again in the month of October Henry's supremacy was quickly shown by ridding the Assembly of Mr. Madison, who was elected to be sent to the Continental Congress at New York. Despite the talk of his enemies, it is not necessary to suppose that in doing this Henry was actuated by any other than patriotic motives, for the Assembly was too pronounceably anti-Federalist for any fear to be entertained of Madison's influence. No Federalists of much prominence were left in the Legislature except Francis Corbin, Richard Bland Lee, Zachariah John-

ston and Richard Turberville, while Henry had on his side old veterans in debate, like Benjamin Harrison, William Grayson, and James Monroe. The receipt of a circular from the New York Convention, in which opposition to the Constitution prevailed for very different reasons than in Virginia, inviting cooperation for a second convention to propose amendments, impelled Henry to give further evidence of his influence.

On October 30 Henry proposed and the Assembly adopted a series of resolutions calling for a new convention, and a substitute, favored by the Federalists, providing that Congress be allowed to prepare amendments to be accepted by the states, as set forth in that instrument, was voted down by 85 to 39—more than two to one. Later, on November 14, both houses—the Senate and the House of Delegates—declaring the cause of amendments to be the “Common Cause,” adopted a petition to Congress, drawn up by the same great leader, that a convention be immediately called with full power to enter into consideration of the defects of the Constitution, suggested by the State Conventions. They were passed in the House by a vote of 72 to 50. Following this, two pronounced anti-Federalists, Richard Henry Lee and William Grayson, were elected the two first Virginia senators, over Madison, who was a candidate of the Federalists.

The election for the members of the House of Representatives occurred on February 2, and the interval seems to have had a cooling effect upon the suspicions of the people of Virginia. The unanimous selection of Washington as first President under the Constitution gratified their pride, and from fear that a new convention might imperil the Union itself a change of opinion resulted; and out of ten members elected seven were Federalists—including Madison, who had been opposed by James Monroe. The same contemptible spirit which had slandered the noble Henry in other particulars attributed to him in the arrangements of the Con-

gressional districts by the Legislature a plan "to gerrymander" Madison out of his election.

Madison's talents assured him the leadership in the House of Representatives, and when Theodoric Bland laid before Congress the petition of Virginia for a second convention, he prevented its consideration. He proposed and carried through Congress nine amendments, chiefly declaratory in their character, but the great body of the Virginia amendments were not supported by him and they were rejected. Prominent among these was the one requiring a two-thirds vote for the passage of a commercial law.

Madison proposed a bill laying an impost to provide revenue and another to establish three executive departments of the Government—Foreign Affairs, Treasury and War. Other things considered were titles to the executive, tonnage duties, taxation of slaves, and the seat of government. On these questions the real difference in the Union constantly showed itself. The heat of party feud was cold and dull compared with the fervor of sectional hate, the hate that sprang up between the East as the East and the South as the South. This rancor increased at the second session of this First Congress, when Hamilton, the secretary of the treasury, proposed his plans for providing for the support of the public credit, embracing a funding scheme, assumption of the state debts, a national bank and a tariff.

These measures were all in the interest of the North. Most of the national debt in the shape of certificates were held and owned in the North by speculators who had bought them up at ten cents on the dollar. The state debts were largely owing by northern states; the natural habitat of the bank was in a commercial center, and the North had all the large cities; and the tariff, even if its aim was revenue, promoted the interest of commerce rather than of agriculture, and the North had the commerce and the South had the agriculture.

In the discussion of these questions the incompatibility of

states, some given to commerce and others given to agriculture, was startlingly made manifest. In a letter dated September 29, 1789, written to Patrick Henry, immediately after the close of the first session of Congress, Senator Grayson stated the differences as follows:<sup>1</sup>

“Gentlemen now begin to feel the observations of the Antis, when they informed them of the different interests in the Union, and the probable consequences that would result therefrom to the southern states, who would be the milch cow out of whom the substance would be extracted. If I am not mistaken, they will e'er long have abundant cause to conclude that the idea of a difference between carrying states and productive states and manufacturing states and slave states is not a mere phantom of the imagination. If they reflect at all on the meaning of protective duties, by way of encouragement to manufactures, and apply the consequences to their own constituents, I think they would now agree that we were not totally beside ourselves in the convention. In my opinion, whenever the impost bill comes into action, the friends of the South will be let into some secrets that they do not or will not at present apprehend. You would be astonished at the progress of manufactures in the seven easternmost states; if they go on in the same proportion for seven years, they will pay very little on impost, while the South will continue to labor under the pressure. This, added to the advantage of carrying for the productive states, will place them in the most desirable situation whatever.”

In Virginia the measure in Congress, particularly detested was the Assumption bill. Since the peace the state had made great efforts to reduce her public debt, and could point with just pride to the figures which gave evidence of her success. It was, therefore, a gross injustice, in the opinion of men of both parties in the state, Federalists and anti-Federalists alike, that Virginia should be called upon to pay the debts of the delinquent states, which, with the exception of South

<sup>1</sup>*Letters and Times of the Tylers*, I, p. 170.

Carolina, were all northern states. The Virginia Legislature, taking the Assumption bill into consideration after it had passed, forwarded to Congress a vigorous remonstrance. It was written by Henry and came from a committee of eleven members, seven of whom had advocated the ratification of the Constitution in the Convention of 1788, including the chairman, Francis Corbin. It was the first remonstrance of a state against a Federal act.

The Assumption bill was bitterly fought in Congress and would not have been passed except for the intervention of Thomas Jefferson, who was affected by profoundly patriotic reasons. He came back to the United States from France in December, 1789, and on March 21, 1790, he went to New York to enter upon the duties of his office of secretary of state. He found public affairs in an alarming condition. The House had rejected the Assumption scheme, and so bitter were the feelings of the two parties that they could not do business together, and Congress adjourned from day to day. In the street he met Hamilton, who painted pathetically the temper of the northern states, the danger of the secession of their members and the separation of the Union. A conference was had the next day when two members of Congress from Virginia were also present—Alexander White and Richard Bland Lee. They agreed to change their votes, but it was resolved that to soften the measure Hamilton should exert his influence to fix the capital of the Union on the Potomac, a location ardently desired by the South. This was done in the middle of July, 1790, and on July 23 the amendment of the pending bill providing for the assumption of the state debts was agreed to by a vote of 32 ayes to 29 noes. The only southerners voting for it, except the South Carolina members, were White and Lee of Virginia and Daniel Carroll and George Gale of Maryland.

As a matter of fact there was no equivalent in the bargain, and a year later Jefferson declared that he had been duped by Hamilton and made his tool in lending his aid to the

Assumption bill, and that of all the errors of his political life he regretted this the most.<sup>2</sup>

That the Union did not break up at this time was due not alone to the action of Jefferson but to the universality of the belief in the South that the inferiority of the section in population was only temporary, and that empire was coming their way. The North too shared in the belief, and this accentuated their opposition to the Mississippi and to the application of Kentucky for admission as a state. That part of Virginia had on its petition been allowed to call a state convention as early as January, 1786, but a delay in forming a Constitution had resulted from an Indian war on the frontiers, which broke out in that year. Sevier led an expedition from Tennessee which punished the Indians severely, but disaster befell a much larger expedition that went out from Kentucky under Gen. George Rogers Clark. This expedition was known as the Wabash Expedition, but after proceeding some distance against the Indian towns, the men got dissatisfied, refused to go any further, and despite the tears and entreaties of their leader returned home, having accomplished nothing.

So many of the first characters of the District had joined the army that the meeting of the convention which was to decide the question of the independence of Kentucky had to be postponed. But the Indians did not escape their just punishment. Col. Benjamin Logan, a brave and efficient officer, crossed the Ohio where Maysville now stands with 500 mounted riflemen, penetrated the Indian country, burned eight towns, laid waste many hundreds of cornfields, killed twenty braves, and with eighty prisoners hastened back to Kentucky.<sup>3</sup> Later Kentucky framed its constitution and asked Congress to be admitted as a state, but from fear of its increasing the power of the South, admission was delayed by Congress till 1792. Not till four acts of cession had been passed by Virginia and nine conventions held by the people of Kentucky,

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<sup>2</sup>Hunt, *Life of James Madison*, 197-200.

<sup>3</sup>McMaster, *History of U. S.*, I, 383-388.

did the bill pass both houses of Congress and receive the assent of the President.

Perhaps the greatest bond of union was found in the character of the great President, whom Virginia had given to the Union. His countrymen of the South revered him, and his sympathy being wholly given to the cause, he exerted a mighty influence in determining the southerners to accept the evils of the moment, in hopes that juster conduct on the part of the North might prevail in the future. But it is a mistake to suppose that Washington was not a southern man in thought and feeling. In a letter to David Stuart, March 28, 1790, he preached the necessity of a union of the South, and justified it on the ground of the well-known selfishness of the New England states.<sup>4</sup> But he differed from Grayson and Henry in unwillingness to think that the variances were absolutely contradictory, as they proved to be. And Madison, who by his services at Philadelphia had won the title of "Father of the Constitution," was so impressed with the hardships imposed upon the South by Hamilton's financial policy that, after vainly attempting to modify his plan, he declared that "had a prophet arisen up in that body (the convention at Philadelphia) and brought the declarations and proceedings of this day into view, I as firmly believe Virginia would not at this moment have been a part of the Union."<sup>5</sup>

Had there been two separate nations under different governments, Hamilton's measures adopted in each would have been acceptable. Credit could have been restored in each, without any hardship to either. As it was credit was restored, which became of common benefit, but it was at the price of the sacrifice of southern interests then existing. The North was immensely benefited, and in the eyes of northern historians Hamilton is one of the greatest financiers that ever lived!

After this time and until 1794, when Jefferson resigned

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<sup>4</sup>Ford, *Writings of George Washington*, XI, 471.

<sup>5</sup>McMaster, *History of the U. S.*, I, 560-561.

as secretary of state, the North was represented in the Cabinet of Washington by Hamilton and the South by Jefferson. In the language of the latter, "They were pitted against each other like fighting cocks." Two great parties grew up about them—one called the Federalist, and the other the Republican. In mental force the two leaders were perhaps equal, but in all other particulars Jefferson was immensely superior. Hamilton was confessedly an immoral man, but against Jefferson there was nothing to his discredit, except vague charges for which no adequate proof was ever advanced. Hamilton had little imagination, and therefore no originality. His financial measures were copies in fact of British legislation. But Jefferson was full of imagination, and was therefore a genius. Had he given his life to philosophy, or to architecture, or to invention, he would have ranked with the masters in those lines of endeavor. As it was, he was no mean philosopher, no mean architect and no mean inventor. He gave most of his time to law-making and politics, and in each he was supreme. There is no evidence derived from any source that Jefferson went about forming a party, but the party formed about him, because of his ideals. He gave "form and substance" to political doctrines which are imperishable, and the masses of the people came to look upon him as the great apostle of the equal rights of man.

On the other hand, Hamilton was a politician of somewhat the modern stamp, and secretly planned and organized. He intrigued in 1793 to defeat the nomination of John Adams as vice president, and he not only encouraged others to write but wrote himself anonymous letters<sup>6</sup> to the newspapers, slandering Jefferson, and he did all he could to poison Washington against him. Jefferson never wrote a letter to any newspaper, and the worst that could be said against him was that he did not deem it his duty to denounce the men who revered his views and said bitter things in public. He was a talkative man, and often pursued ideas to conclusions which were

<sup>6</sup>Randall, *Life of Jefferson*, II, 69-74; Hamilton, *Works*, VII, p. 5-34.

plainly illogical, and he was sometimes inconsistent both in words and action. But the thing which made him so great a leader of men, the thing that places him among the foremost men of all time—was his idealism. He was a man of ideals, which spoke their own argument and were independent of his own actions or explanations. He was tireless in his correspondence and full of criticisms, not always just, on the policy and measures of the Federalists, but he left to others the building up of the machinery of party organization. There is nothing in Jefferson's correspondence that resembles the trickery of Hamilton in his letter to Governor Jay, in 1800, advising him to reconvene the Legislature of New York and put through a law for the choice of presidential electors by districts. Jay endorsed it as "Proposing a measure for party purposes which I think it would not become me to adopt." Not only did Hamilton conspire against Jefferson at this time, but against John Adams in favor of C. C. Pinckney for President.

After the adoption of Hamilton's financial measures politics shaped themselves on sympathy with France and Great Britain. France had not only helped us to independence but professed democratic principles. Naturally, therefore, Jefferson sympathized with France and so did the Republican party and Virginia especially. In support of Jefferson were the small farmers, artisans and mechanics throughout the Union, but the aristocrats, moneyed men and bondholders everywhere supported Hamilton, and New England was their headquarters. It is hard to understand even at this day this northern friendship for Great Britain. It is vain to say that it was due to the excesses of the French Revolution, for as we have seen a British party existed in 1783, and had been denounced in Congress. Undoubtedly this dislike of the French was a survival of the old autocratic prejudices of New England against popular rule for which France was coming forward as a champion.

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<sup>1</sup>Hamilton, *Works*, VI, p. 438; *Life and Writings of John Jay*, II, p. 414.

The conduct of France was uniformly friendly till 1793, when she went to war with Great Britain. Up to that time there was no cause of complaint, but in 1793 France took it unkindly that the United States did not go to war in company with her, and her minister Genet went so far as to violate the neutrality of our territory by equipping ships of war in our ports. There is much to be said in excuse of Genet. Undoubtedly the treaties placed the United States under great obligations to France, and it seemed pretty hard to put this "old, tried friend" on an equal footing with a nation which had made war upon us, had failed to carry out the Treaty of Peace, impressed our seamen and continually violated our rights.

Jefferson advised Washington to issue a proclamation of neutrality, but he gave the advice with much reluctance, very different from Hamilton who hated France and gleefully accepted the situation, carrying his zeal so far as to interfere with the conduct of Jefferson's own department.<sup>8</sup>

During his stay in the Cabinet of Washington Jefferson prepared many able state papers, but among them his note to Mr. Hammond, the British minister, is perhaps the most remarkable. In this splendid production he reviewed at length the whole course of the dispute between Great Britain and the United States since the peace in 1783, showing by a formidable array of legal and historical proof that the United States had carefully fulfilled its treaty obligations and Great Britain had not. When Washington's first term was closing, Jefferson wanted to resign, but was induced to remain another year at Washington's urgent instance. When he did resign in 1794 Washington wrote him a letter stating that "the opinion of his integrity and talents, which dictated the original nomination, had been confirmed by the fullest experience," and that "both had been eminently displayed in the discharge of his duty."

In the meantime, after the declaration of neutrality, the

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<sup>8</sup>Randall, *Life of Jefferson*, II, 136.

French government opened their West India Islands to our trade, but Great Britain, invoking the rule of 1756, refused to regard our commerce with the French West Indies as neutral. Orders in Council, in the summer and autumn of 1793, practically stopped all trade with France and the French Indies, and hundreds of American ships were seized, their cargoes condemned, and their seamen impressed. Some Americans wanted the American government to sequester British goods found in the United States, others advised war, and still others advised further negotiations. The latter advice was determined on, and John Jay was sent to England to attempt a solution of the difficulties.

Jay brought back a treaty which was a practical surrender of everything. It was silent on the questions of impressment, the repeal of the Orders in Council, and granted only niggardly concessions to our West Indian trade. The French had, in the treaty of 1778, conceded the principle of "free ships make free goods," but Jay's treaty had a clause in favor of the English contention that enemy's goods found in a neutral ship of the United States were subject to seizure. The forts on the frontier were surrendered after a detention of thirteen years, but the loss of the fur trade was not compensated for, and the United States agreed to pay British creditors debts due them from insolvent estates, to the amount of \$2,664,000.

On the South fell the burden of the hardships of the treaty. There were no provisions protecting its tobacco from the ruinous British tariffs or for the value of the negroes taken off from the South during the Revolutionary war, and for which payment was promised by the treaty of peace. All claim to indemnification was released, though it may be noted here that the same deportation of slaves took place in the War of 1812, followed by the same stipulation for indemnity in the treaty which closed the war that was contained in the treaty that closed the war of the Revolution, and attended by the same refusal to comply with it. It was not till 12 years

later and under the administration of John Quincy Adams, and under the arbitration of the Emperor Alexander of Russia that indemnity for these deported slaves of 1812 was received.

The treaty was at first hailed with hearty execrations all over the Union, but as months went on the opposition in the North began to diminish, and soon Fisher Ames and the other Federalists began to find this dishonorable treaty a pretty likeable thing after all. They painted the danger of war so vividly to Washington that, from a determination to veto the treaty, he finally approved it. The Senate ratified the treaty by a bare two-thirds vote, 20 to 10, and the inevitable two nations showed themselves in the character of the majority and minority. The Virginia senators voted against it, being not afraid to try another war.

No Virginian is desirous of censuring Washington's approval of Jay's treaty, but it is difficult to understand the "superior" wisdom of a policy which involved us in war with our best and nearest friend for a vain attempt to avoid one with our most inveterate and dangerous enemy. When Jefferson came home to become secretary of state, his place in France was filled by Gouverneur Morris, a high-strutting aristocratic Federalist, who was strongly pro-British in his ideas. When Washington demanded the recall of Genet, the French government demanded in return the recall of Morris. Morris came home, and about the time John Jay went to England, James Monroe, of Virginia, was sent to fill the vacancy caused by Morris' absence from France. His instructions enjoined upon him to use his utmost endeavors to inspire the French government with the solicitude felt by President Washington of his preference for France to all other nations as "the friend and ally of the United States," and to declare in explicit terms that although neutrality was the lot we preferred, yet in case we embarked in the war it would be on her side and against her enemies, be they who they might. They expressly warranted him in saying that the projected negotiations with England were confined solely to the procuring

compensation for depredations committed on our trade and obtaining the surrender of the western posts.<sup>9</sup>

The negotiation then of a treaty of commerce with Great Britain, without any consultation with Monroe, aroused the suspicions and resentments of France, and placed Monroe in a trying position. When the treaty became public, Monroe justly considered himself badly treated and France viewed with disgust a people who, while she exempted British goods on American vessels from seizure, agreed to permit this enemy to seize French goods on American vessels. Monroe had assured the French, in strict conformity with his instructions, that no such permission was thought of by Jay, and after some sharp words of rebuke by Secretary Pickering he was recalled by Washington and returned to America, where he soon published, as he had a right to do, a defence of his conduct in a pamphlet which was largely applauded by Republicans everywhere. Washington sent C. C. Pinckney of South Carolina, to succeed Monroe.

Washington would not ask for a third term, and John Adams was made President, and Jefferson, Vice President. A few days after the inauguration came news that C. C. Pinckney had been denied an audience by the Directory of France, and ordered out of the country. Hamilton was strong for war with France, but John Adams showed a superior statesmanship and sent John Marshall, a Virginia Federalist, and Elbridge Gerry, a Republican of Massachusetts, to join with Pinckney in a commission to Paris. Talleyrand, the wily minister of foreign affairs, would not receive them officially, but instead sent certain inferior agents, called by Adams X Y Z in his message, who told them that no negotiations would be had till Adams had apologized and a good sum of money paid to the Directors personally. The commissioners made a spirited reply and the words ascribed to Pinckney

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<sup>9</sup>*View of the Conduct of the Executive*, in Hamilton, *Writings of James Monroe*, III, 383-487.

aroused much enthusiasm. "Millions for defense, but not a cent for tribute."

Marshall and Pinckney left France in high disgust though Gerry remained, and the war feeling rose very high in the United States. Adams declared that "he would never send another minister to France until he was assured that he would be honored as the representative of a great, free, powerful and independent nation." Congress enlarged the army, made Washington commander-in-chief, and ordered the capture of French vessels. For two years there were hostilities at sea, and the Americans captured many French merchantmen and a few warships. The Federalist party was given a new lease of life, and the Republicans suffered a proportionate decline.

But it was rightly asked, How about that aversion to war with Great Britain in 1796, when the Jay treaty was ratified, or was it that the United States was more afraid of Great Britain than of France? The Republicans contended that all the troubles flowed from Jay's treaty, which practically converted this country into an ally of their old enemy Great Britain, and naturally alienated their old friend, France, and there was much truth in this charge.

John Adams and his Federalist Congress, borne along on a great wave of popularity in the northern and middle states, passed acts in June or July, 1798, born of arrogance and hatred of democracy. The occasion was the coming to this continent of a good many foreigners who were the victims of tyranny in their own countries and sought greater liberty here. They naturally allied themselves with that party which opposed the government here, and they both opposed and condemned it. The result was the passage of a Sedition Act which imposed imprisonment and heavy fines on all who should write or say anything detrimental to John Adams or his government. There was also the Alien Act which gave the President arbitrary authority to arrest and send out of the country any alien whom he should judge "dangerous to

the peace and safety of the United States." To these were added a Naturalization Act which raised the probationary term of residence from five years to fourteen, with an intent to keep out such dangerous republican allies. Massachusetts, the center of Federalism, passed an act recommending an amendment to remove from office certain aliens. During this time Federalist newspapers and Federalist orators denounced democracy, and eulogized autocracy in every way, and represented Jefferson as an atheist, anarchist and plunderer. They defended their Alien and Sedition laws by invoking the general clauses of the Constitution and the Common Law of England. Republican orators retorted fiercely, and exaggerated the imminence of the danger to republican government, but that danger existed is overwhelmingly shown by the evidence.

The passion for class distinctions had always been conspicuous in the North, where the servants continued to be drawn from the white population. The leveling principles of the Revolution failed to do away with it, and Senator Grayson of Virginia noticed, in a letter to Patrick Henry, written June 12, 1789, from the first Congress, the favor bestowed by the New England people especially on class and monarchical ideas. He attributed to John Adams, the Vice President, the responsibility for the desire of the Senate over which he presided for a pompous title to be given to the president—"His Highness and Protector of the Liberties of America." The following is an extract from his letter:<sup>10</sup>

"Many gentlemen here are of opinion that the Federalists aim at a limited monarchy, to take effect in a short time. This, however, I doubt extremely, except in the Eastern states, who, I believe, if the question was left to them, would decide in favor of one tomorrow. They say, they have no surety in their fisheries, or in the carrying business, or in any particular privileges, without a strong government. Is it not strange that monarchy should issue from the East?"

<sup>10</sup>*Letters and Times of the Tylers*, I, 169.

“Is it not still stranger that John Adams, the son of a tinker, and the creature of the people, should be for titles and dignities and preeminencies, and should despise the herd and the ill-born? It is said he was the *primum mobile* in the Senate for the titles for the President, in hopes that in the scramble he might get a slice for himself. The committee of the lower House have reported five thousand dollars for his salary, at which he is much offended, and I am in great hopes the House will still offend him more by reducing it.”

Hamilton did not disguise his views, and was open in his professions of admiration for the British government. He did not believe in a popular government, and said, in an after-dinner discussion, striking the table with his fist: “Your people, sir, is a great beast.” He and King and Gouverneur Morris corresponded quite frankly on the prospect of establishing an American empire on foundations “much firmer than yet have been devised.” A few years after Hamilton’s death Morris confessed that “Hamilton disliked the Constitution, believing all republican governments radically defective.”<sup>11</sup>

In Virginia the Federalists were never so extreme as those of New England. They did not want monarchy, but they distrusted a popular rule and wanted a strong government. There, John Marshall declared that he feared “that those who say that man is incapable of governing himself have the truth on their side,” admitting, however, that “there is no opinion more degrading to the dignity of man.” Even George Washington wrote: “Mankind left to themselves are unfit for their own government.”<sup>12</sup>

To these views the optimism of Jefferson in the capacity of the people to rule—a principle which has entered into the life of the world too firmly to be shaken—was in striking contrast, and Mr. Muzzey says that “it is not the least testimony to his labors for democracy that since the Republican triumph

<sup>11</sup>Muzzey, *Thomas Jefferson*, p. 203.

<sup>12</sup>Muzzey, *Thomas Jefferson*, p. 178.

which ushered in the nineteenth century every political party that has gained or sought the direction of our government has made its appeal to the *people* of America.”

Virginia became the center of resistance to Hamilton's autocratic program. Under the lead of Jefferson of that state there was a notable consultation between John Taylor of Caroline, the brothers George and Wilson Cary Nicholas, John Breckenridge and James Madison, and it was determined to obtain from the Legislature of Virginia declaratory resolutions against the Federal party's unconstitutional doctrines in general and against the Alien and Sedition laws in particular; and to invite the cooperation of other states in asking for a repeal of those laws and a declaration that they were unconstitutional and consequently null and void. Jefferson drew a set of resolutions, which were offered in the Kentucky Legislature by Breckenridge and adopted by them in November, 1799, and to Madison is due the honor of having drafted the Virginia resolutions of December 21, 1798, and that masterly vindication of them in reply to seven states of the North, which was adopted by the Legislature of Virginia during the session of 1799-1800, a paper which is familiarly known as "Madison's Report."

In these papers Virginia stepped forward as the champion of personal freedom, liberty of conscience, liberty of the press, and the limited authority of Congress under the Constitution, and it was categorically denied that the common law was a part of the law of the United States. The Virginia resolutions declared the Constitution a compact to which the states were parties and "that in case of a deliberate, palpable and dangerous exercise of other powers, not granted by the said compact, the states who are parties thereto have the right and are in duty bound to interpose." The Kentucky resolutions declared that "nullification" by the state sovereigns was the rightful remedy for Federal usurpation.

Undoubtedly in these declarations the two nations were again revealed, but the ideals of Jefferson were so general as

to involve in their application the whole country. Democracy was not a principle incapable like slavery of expansion, and the object of both Madison and Jefferson was "decentralization, not disunion." As Mr. Muzzey says, they wanted to reform the Government, to restore it to its pristine purity and for the accomplishment of their ends were not above using force, if necessary. "Indeed, it was just exactly destruction of the Federal Union through its conversion into a consolidated despotism that Jefferson believed he was working to prevent, and he rebuked speculations on disunion whether they came from friends like John Taylor, of Caroline, or enemies like Hamilton or Wolcott."<sup>13</sup> He deemed strict construction necessary to keep the Government from becoming a despotism and exerting its baleful influence over the whole United States, and it was not till 1820 that the full significance of the dual Union was reluctantly admitted by him.

The election that followed was hotly contested. The Republican ticket of Jefferson and Burr was elected, but as the two members of the ticket received the same vote, technically under the Constitution there was a tie and the House of Representatives, voting as states, had to decide the issue. The Federalist members did the highly immoral thing of trying to upset the ticket, and they voted for Burr for President. It was a gigantic fraud attempted upon the popular will which meets with no direct defense today. Burr did not authorize the Federalists to use his name, but he committed the unforgivable error of not coming out at once and letting the whole world know that he would under no circumstances accept an office for which he had never been intended.

But a strange thing happened. When the vote was taken in the House there was again no election. Eight states voted for Jefferson, six for Burr and the votes of two were divided. The states that voted for Jefferson were Virginia, North Carolina, Georgia, Kentucky, Tennessee, New York, New Jersey and Pennsylvania, and the six states that voted for Burr were

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<sup>13</sup>Muzzey, *Thomas Jefferson*, 202.

New Hampshire, Massachusetts, Connecticut, Rhode Island, Delaware and South Carolina, and the two states that divided were Vermont and Maryland. All the South voted for Jefferson, except South Carolina, which was dominated by the commercial interests of Charleston, and New England, with the exception of Vermont, was solid for the Federalist program. The balloting continued, and for a long time no decision was reached.

Both sides had arms in contemplation. The Federalist papers abounded in exhortations to their followers to stand firm, and one Federal statesman, after enumerating the Massachusetts militia supported by New Hampshire and Connecticut, wanted to know what Pennsylvania aided by Virginia could do under such circumstances. All sorts of wild notions were entertained by them. One was to declare somebody by a simple vote of the House of Representatives President and adjourn. The Republicans were no less determined. Jefferson wrote to James Monroe, then governor of Virginia, that the Republicans in Congress had declared openly and firmly one and all "to their opponents" that the day an act was passed for putting the Government in the hands of an officer, the middle states would arm, and that no such usurpation, even for a single day, would be submitted to. Samuel Tyler, of Monroe's council, who had been sent to watch the proceedings in Washington, wrote on February 9, the day the balloting began, that Pennsylvania had her courier there, and the report was that she had 22,000 men ready to take up arms "in the event of extremities." He advised that if things remained in *statu quo* for a week the Legislature should be convened and a union made with Pennsylvania and New York and all the states south of the Potomac.<sup>14</sup> It was at this juncture that the Virginia Legislature passed the defensive measures of building the armory in Richmond and made provision for purchasing 5,000 stands of arms. But on the thirty-sixth ballot the Federal members from Maryland, Delaware and Vermont

<sup>14</sup>*Letters and Times of the Tylers*, III, p. 16.

cast blank ballots, and the Republicans secured ten states, thereby electing Jefferson.

There was an old story<sup>15</sup> that Mr. Jefferson's final victory was attributed to a deal with Bayard of Delaware, who is said to have obtained certain pledges in return for his desertion of his fellow Federalists, but there are no real facts in support of the charge and Jefferson denied it. Samuel Tyler's letter, dated on the day the balloting commenced shows that Bayard of Delaware, and Craik and Baer of Maryland were three Federalists counted on by the Republicans from the first to support Jefferson, and it must be suspected that they were only glad of any excuse to stop voting for Burr. Maryland had elected a Republican legislature, and many Federalists in Delaware and Maryland disapproved of the conduct of the party in Congress and made their views known.<sup>16</sup>

The Federalists, routed out of Congress and the Presidency, determined to hold on to the judiciary. They had already instituted the spoils system by filling all the offices with members of their party. Washington had, during his first administration, tried to rule with both parties, but after Jefferson's withdrawal from the Cabinet he fell completely in the hands of the Federalists, and his appointees thereafter were nearly all Federalists. He now wrote that he thought it political suicide to appoint to office men of tenets adverse to government measures.<sup>17</sup> Adams prided himself on being more intolerant in this particular than Washington.<sup>18</sup>

In Congress his mouthpieces, Bayard and Otis, laid down with utmost precision the principle of the spoils. The first (Bayard) announced<sup>19</sup> that "the politics of the office seeker would be the great object of the President's attention, and an invincible objection if different from his own," and the

<sup>15</sup>Revived by Beveridge in his *Life of John Marshall*.

<sup>16</sup>*William and Mary College Quarterly*, XXV, 294.

<sup>17</sup>Muzzey, *Thomas Jefferson*, 173.

<sup>18</sup>Tyler, *Parties and Patronage*, 19.

<sup>19</sup>Annals of Congress, 1797-98, p. 1232; Tyler, *Parties and Patronage in U. S.*, 20.

latter<sup>20</sup> that the pecuniary claims of Henry Miller for extra clerk's hire, occasioned by his leaving his office to electioneer for Adams, was "a paltry consideration infinitely outweighed by the service he was rendering his country" in so doing. This spirit went so far that Adams' secretary of war wrote that political principles should be the test of the volunteers to be raised to defend the country.<sup>21</sup> In Virginia the district judgeship, the most important Federal office in the state, had been given to Cyrus Griffin, instead of to John Tyler, who as judge of the State Court of Admiralty, which had been superseded by the aforesaid District Court, considered his non-nomination a removal from office. And Tyler, to whom the office was restored by President Madison, speaking of this action of the Federalists, made the rule in all similar cases, despite the natural pretensions of the incumbents of the old offices under the states to the new offices substituted for them under the Constitution, declared<sup>22</sup> that "this kind of conduct began the strong distinction between parties, producing a spirit of retaliation on the part of the Republicans." In 1796 Senator Henry Tazewell writing to James Monroe declared that every important officer south of the Potomac, except two, had been succeeded by one north of it.<sup>23</sup>

The Federalists in possession of the state offices kept pace with the National Government. In New England the town politics had long sunk in corruption and spoils, and Mr. Gerry in the Federal convention of 1787 declared<sup>24</sup> that "in Massachusetts the worst men get into the Legislature" and "that several members of that body had been lately convicted of infamous crimes." In Connecticut as in Massachusetts a system of voting first on the incumbents in office confined power to the Federalist autocrats who were continued indefinitely in authority. In 1797 only one in twenty persons qualified to

<sup>20</sup>*National Intelligencer*, August 14, 1801.

<sup>21</sup>Tyler, *Parties and Patronage*, pp. 20-21.

<sup>22</sup>Tyler, *Letters and Times of the Tylers*, I, p. 246.

<sup>23</sup>Tyler, *Parties and Patronage*, 15.

<sup>24</sup>Elliot, *Debates on the Federal Constitution*, V, p. 160.

vote exercised the right of suffrage in that state. Rhode Island was a close oligarchy till Dorr's rebellion in 1842 produced a change.

As the election approached for a new President, tax collectors and judges, even those of the highest stamp turned active electioneers. At the beginning of August, 1800, Judge Chase left the bench to stump the State of Maryland in behalf of Adams' administration, and the result was that Ellsworth, the chief justice, being then on the French Mission, the Supreme Court was left for a whole term without a quorum. Wharton says there was not a charge to the grand jury which was not a party harangue.<sup>25</sup> This was hardly to be wondered at when men like Jay, Ellsworth and Marshall, whose personal purity is unquestioned, saw no impropriety in uniting the highest judicial functions with political offices which almost necessarily made them partisans. While acting as chief justice all three accepted missions abroad or offices at home quite incompatible with their judicial position, sometimes on the same day issuing reports in their political character and delivering judgments in their judicial. John Marshall succeeded Timothy Pickering as secretary of state in May, 1799, and on January 31, 1801, Adams appointed him chief justice, but he did not resign his former office.

This was when their power was fast waning. The Federalist Congress, realizing that the reign of Federalism was over, busied itself at its last session with creating sixteen Circuit Judgeships, with marshals, attorneys and clerks. The appointees were called the "midnight judges" because appointed by Adams when his term was so nearly closed. Adams showed little delicacy, and kept up the work of appointment till 9 o'clock of March 3d. A perfect army of surveyors, collectors and judges were sent to the complaisant Senate, and when all the important offices were filled, Adams employed his last hours in appointing justices of the peace for the District of Columbia. The Spoils System was rampant. Such was

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<sup>25</sup>Wharton's *State Trials, Preliminary Notes*.

the extreme desperation of some of the Federalists that the suggestion was made to Adams that he should appoint himself Chief Justice, with a commission to take effect as soon as his presidential tenure terminated. In Connecticut in the spring of 1801 the last frantic act of the Federalists was to sweep the offices of all Republicans.<sup>26</sup>

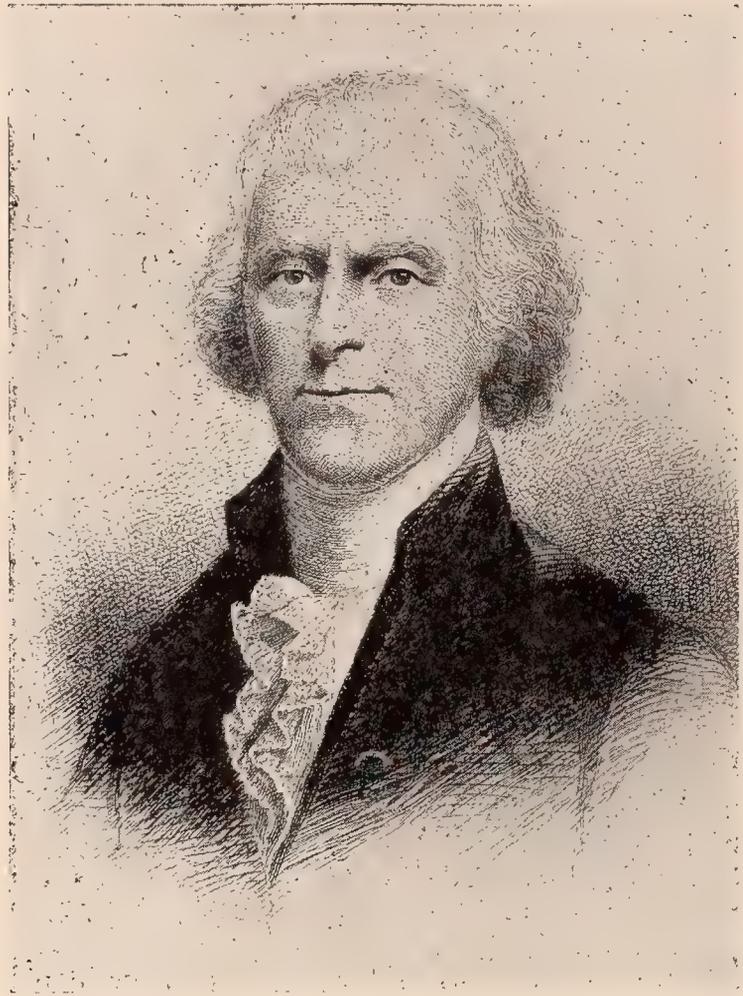
Adams is said to have shed tears at his defeat,<sup>27</sup> and did not remain in Washington to witness Jefferson's triumph, but early on the morning of the 4th he drove away from the capital, and a new era began.<sup>28</sup>

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<sup>26</sup>Rayner, *Life of Jefferson*, p. 397.

<sup>27</sup>Tucker, *History of U. S.*, II, p. 137.

<sup>28</sup>In his *Life of John Adams*, II, p. 137, Mr. Charles Francis Adams observes that by "this act (their support of Burr for the Presidency) the great Federal Party \* \* \* sunk into obscurity and disgrace, martyrs to the false and immoral maxim that the end will sometimes justify the means."



*Th. Jefferson*

## CHAPTER II

### THE VIRGINIA DYNASTY, 1801-1825

Thomas Jefferson became President March 4, 1801, served eight years, and was succeeded by his secretary of state, James Madison, who also served eight years. He was succeeded by his secretary of state, James Monroe, who also served eight years. This period of twenty-four years may almost be considered as one administration. It was called the "Reign of the Virginia Dynasty." The change from the domination of New England to the domination of Virginia was in the nature of a revolution, for had a set of New England, or even Northern presidents, succeeded John Adams the two nations would have loomed up in dreadful menace, and the Union would have been broken. As it was, it took all the tact of Monroe in 1820 to avoid such a result on the question of admitting Missouri into the Union.

How was it that the South, numerically inferior to the North, was able to capture and retain the presidency for so long a period? The answer has already been given in the preceding pages. The Virginia Presidents were not only men of pre-eminent talent that forced recognition, but they represented ideals that appealed to the masses of the people everywhere. Thus through these ideals they were able to attach to their support such powerful northern states as New York, New Jersey and Pennsylvania, and in the end even to cripple the opposition of New England. The North—New England especially—has been singularly deficient in any of the great principles, outside of commerce, which have controlled society in America.

A statement of what the Virginia Dynasty stood for,

accompanied with a brief account under each head, will perhaps be more useful than a mere chronicle of events. Principles only are permanently lasting.

1. First of all, the Virginia Dynasty stood for *Democracy*, meaning the equality of the citizen in political and religious rights. In opposing the alien and sedition laws, the Virginians defended against the New Englanders freedom of speech and the freedom of the press. They also opposed the class ideas favored by the Federalists and the people in that section. To the call of Southern democracy the Middle States first fully responded, and the victory that ensued in 1800 was won with their aid. The redemption of New England was yet to come, but it was not long delayed.

At his second election in 1804 Jefferson won the most astounding victory ever heard of. A few words of explanation are necessary. For years New England had echoed with imprecations against Jefferson proceeding from hundreds of preachers, editors of newspapers and Federalist politicians. No words of abuse were too severe, no language too foul, to be used in their references to him. Danton, Marat, and Robespierre were angels compared with this man from slaveholding Virginia. The chief justice of Massachusetts in a charge to the grand jury denounced "the French system mongers, from the quintumvirate at Paris to the Vice President (Jefferson) and minority of Congress, as apostles of atheism and anarchy, bloodshed and plunder."<sup>1</sup> But these anathemas all came from the autocrats who ruled the town districts, where in the elections only one in twenty of those qualified to vote exercised the ballot. The silence of the masses in New England was pitiful.<sup>2</sup> With them conditions had not greatly changed from the seventeenth century, when Rev. Samuel Stone pronounced Massachusetts "a speaking aristocracy in the face of a silent democracy."

In preparing the way for their uplift by Jefferson, two

<sup>1</sup>Wharton's *State Trials*, Preliminary Notes.

<sup>2</sup>*Jeffersonian Democracy in New England*, by Robinson.

ministers from Virginia—one a Methodist and the other a Baptist—were as two Johns crying in the wilderness. The authority of the autocrats was built upon those parts of the Calvinistic creed which deal in terror and fatalism, and it was against this rock of prejudice and bigotry that Jesse Lee, the Methodist evangelist from Virginia, directed his assault. He spent eight years in New England, and visited all parts of the country. He was often denied the use of the meeting houses and often had to preach in the streets. Then the Congregational pulpit opened its mouth and soundly belabored what its ministers called “the damnable principles of Methodism.” In Provincetown, where the Pilgrim Fathers first put foot to land, the town meeting refused to allow the small band of Methodists to build a church, and when the Methodists nevertheless collected materials to proceed with the work, a company of men assembled in the night and burnt the lumber. Mr. Lee visited the melancholy scene in the morning and said sadly: “I feel astonished at the conduct of the people, considering we live in a free country, and no such conduct can be justified.”<sup>3</sup>

Mr. Lee returned to the South in 1797. But he had accomplished a great work. Not only had he set the Methodist Church on a firm footing in New England, but the doctrines which he taught of perfect freedom went to leaven society among the masses, politically as well as religiously.

One might say that the springs of action set in motion by Lee were kept going by another man, who though born in Massachusetts had imbibed the free views of Virginia by having spent his early and active manhood there. This was John Leland, a Baptist minister, who had taken a leading part in disestablishing the Episcopal Church in Virginia. From a different standpoint he, like Lee, contended for religious

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<sup>3</sup>On his tombstone in the old Methodist burying ground in Baltimore Mr. Lee is described as “a man of ardent zeal and great ability as a minister of Christ. His labours were abundantly rewarded by God, especially in the New England States in which he was the apostle of American Methodism.”

freedom, and found on the national stage of politics a representative in the statesman Jefferson.

Thus the seed had been sown, and it was Jefferson's part to develop it into flower and fruit. This he did, and by hurling defiance to the autocrats, whom he in turn roundly abused, and by appealing to the masses of New England, whom he aroused by his clarion calls, he carried all the New England States except Connecticut at the election of 1804.

After this time never again had the Congregational Church in New England the power it once had. Laws were to be passed disestablishing the church, and the power of the autocrats declined. Predestination, however preached, became an obsolete force. But for sometime longer the old spirit, though decadent, held on. It made an understanding with England, and sought by every method, open and secret to defeat the embargo and non-intercourse laws, and the War of 1812. It inspired the Hartford Convention, but it emerged from the war to wither under the contempt and hatred of the people of the United States. In 1816 there was no longer any Federalist party, and the office of secretary of state under President Monroe was held by a native of New England who was proud to term himself a Republican. Mr. Monroe's presidency was called the "Era of Good Feeling," so completely had the Federalists disappeared. Jefferson had accomplished the inconceivable, done what has never been accomplished since, which was to destroy a great political party. Beyond any man he deserved the name of master builder and master spirit of the Union.

2. The next measure for which this Virginia Dynasty stood was *Expatriation*, which means the right of going out of one's country, giving up under certain limitations the rights of a citizen derived from its laws and constitution, and seeking happiness wherever it may be attained on this globe. This principle was embodied in the first article of the Declaration of Rights of Virginia, which guaranteed the enjoyment of life and liberty and the pursuit of happiness as the gift of

nature. It received, for the first time, legislative recognition in a Naturalization act passed in 1786 by the Legislature of Virginia, the work, as we have seen, of Thomas Jefferson.

When the first Congress met, the disposition of the Southern members who championed the interest of the West was to accord naturalization on easy terms. In 1794, on Mr. Madison's motion, the obligatory period of residence before naturalization was fixed at five years and no one was to be naturalized who was not of good character. A clause also added by Mr. Madison that the applicant must renounce any title of nobility he might have had as a foreigner elicited a debate in which Fisher Ames and Dexter appeared as the champions of titles and threw great ridicule on the Roman Catholic Church, for which they were severely rebuked by Madison. In 1797 the Federalist majority raised the term of probation to fourteen years, and passed the Alien Law, vesting the President with arbitrary power of arresting and sending any alien out of the Union. Now one of the first things that Jefferson did on his assuming the presidency was to restore the term of probation of five years. By this measure he encouraged immigration, and contributed greatly to the development of the North and West; for the immigrants coming by thousands filled the waste places in these regions. Very few of these foreigners came South because of their dislike of working in contact with the negro. No part of the country profited by them more than New England, where the old Puritan families exploited in their factories the cheap labor thus afforded, like the Southern planters exploited their slaves. From these immigrants and their children, came largely the armies that finally defeated the South in 1865.

It is certainly true that the coming of the immigrant to America has not been of unalloyed benefit. In the early days a good many convicts and other evil disposed people were sent from England to America, but most of those who came to Virginia fell victims to the deadly mosquito that caused the dreadful fevers of which they died—the mortality among the

immigrants to Virginia being estimated by Edward Eggleston and Alexander Brown at 80 per cent during the first year of their arrival. But in a single year, 1905, more foreigners were introduced into the country than the entire number of colonists that came to America during the 169 years which elapsed between the first landing at Jamestown and the Declaration of Independence.

After 1800 thousands of paupers and criminals were introduced into the Northern States, and very few brought to the South, as but a very small part of the foreign immigration came southward. To what comparative extent New England and Virginia experienced the evils and benefits of this situation is shown by the census of 1890. Of their population Massachusetts had 56.24 per cent of persons having one or both parents of foreign birth, Connecticut 50.32, Rhode Island 58.02, and Virginia 2.63. In the South in 1860 there was one criminal to every 1,130 of the inhabitants, while in the North there was one criminal to every 208 inhabitants. In 1860 there were in the North 156,230 paupers of foreign birth. Two Presidents of the United States fell victims to the red hand of this "undesirable" class of immigrants.<sup>4</sup> Since 1836 many provisions have been made by law to guard against the entrance of "improper persons," but it cannot be doubted that, as the overwhelming majority of the immigrants have been self-respecting people, the Northern States have greatly benefited by the continuance of the policy of the Virginia Dynasty.

And yet the right of expatriation was denied by Chief Justice Ellsworth and the Federalist party generally. The British doctrine of inalienability of citizenship was maintained, and often applied, in the case of impressment, contrary to the interests of the United States. At last Congress, on July 27, 1868, in one of its sane moments, declared expatriation "a natural and inherent right of all people and indis-

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<sup>4</sup>Census of 1860, 1890, and Ingle, *Southern Side Lights*.

pensible to the enjoyment of rights of life, liberty and the pursuit of happiness.”

3. Next the Virginia Dynasty held that the *Common Law* was no part of the law of the United States. The opposite contention was maintained by the Federalist party to legalize the Alien and Sedition laws. People were haled up before the Federal Courts and punished without any statutory authority whatever. Had this contention been allowed, the common law would have swallowed up the constitution, and made the state courts superfluous; for the common law jurisdiction embraced almost every possible subject of litigation, both civil and criminal. This doctrine, favored by Judge Marshall,<sup>5</sup> was refuted by Madison in his able report in 1799 and characterized as “novel and extravagant.” It was later denounced by the Supreme Court of the United States itself in 1812 when it declared, in case of any crime, that Congress must first make it so, affix a punishment to it, and define the court that shall have jurisdiction of the offence.<sup>6</sup>

When, nevertheless, the old contention was revived by Judge Story in his *Commentaries*, the Supreme Court repeated its decision in 1834 in *Wheaton and Donaldson vs. Peters and Grigg*, Justice McLean delivering the opinion of the Court, that “as the powers of government were strictly defined by the Constitution, there could be no Common Law of the United States.”

4. Then the Virginia Dynasty stood for the *Protection of the Flag* to every man and everything on board ship. Their stand was against impressment, and they declared for the doctrine accepted today that “Free ships make free goods.” Where were the Federalists on these matters? Had Marshall and his fellow Federal Judges been permitted to make the law, the English view of international law both as to alle-

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<sup>5</sup>Judge John Tyler, who sat in the Circuit Court of the United States with Marshall, wrote to Jefferson: “It (the Common Law Question) has had a mighty influence on our opinions.”

<sup>6</sup>*United States v. Hudson*, 7 Cranch, 32-34.

giance and search would have prevailed—"Once a citizen, always a citizen." The doctrine of the "indelible allegiance" under the Common Law of Great Britain afforded the British an excuse to search American ships for native born Englishmen, and the doctrine that enemy's goods found on board a neutral ship may be lawfully seized as prize of war, which was the English view, was not only admitted in Jay's treaty and supported by the Federalists in Congress, but by the Federal Supreme Court. It was never admitted by the Virginia Dynasty. It was never admitted by the State Judges—with St. George Tucker, John Tyler, William H. Cabell, and Spencer Roane of the number. As to impressment, when even as great a favorite as James Monroe came back from England in 1806 with a treaty with Great Britain omitting the two fundamental points of impressment of our seamen and indemnity for losses which Americans had incurred in the seizure of goods and vessels, President Jefferson promptly disavowed the negotiator, and declined to approve the treaty. Later James Madison made war on this account, and at the peace in 1814 Great Britain tacitly abandoned her claim to impress American seamen though she made no formal renunciation.

5. The next great principle for which the Virginia Dynasty stood was *Annexation of territory*,—the development of the territory of the Union into continental proportions. As we have seen Virginia conquered with her unaided arms the Northwest Territory and deeded it to the Union in 1784. Jefferson was intimately associated with both the conquest and the cession, and was the author of the first ordinance settling its organization and prohibiting slavery, but he was to link his name with a much greater mass of territory during his presidency. After the peace with Great Britain in 1783 the question of westward expansion came up in connection with John Jay's negotiations with Spain for a treaty of commerce, and we have seen how the influence of the Northern States was given to yielding to Spain the free navigation of

the Mississippi for 25 years. The subject trailed along till Jefferson was Secretary of State, when he pressed the matter with vigor. The expansion then had in view was the development of Kentucky, Tennessee and Mississippi, and he begged Spain to make the wise choice now of a permanently friendly neighbor, and the guarantee of the peaceful possession of all the territory west of the Mississippi by voluntarily ceding to the United States the territories to the east of the River (New Orleans and Florida). The Spanish government did not adopt this amicable proposition of Jefferson and negotiations dragged on until he ceased to be secretary of state. It was not until 1795 that the treaty concluded by Thomas Pinckney secured us even a temporary right of deposit and reshipment at New Orleans.<sup>7</sup>

Spain in the year 1801 retroceded to France from which she had obtained it the province of Louisiana and, thinking that the retrocession offered a fitting opportunity, Morales, the Spanish Intendant, proclaimed the right of deposit of the United States at an end. This created great excitement along the Mississippi but Jefferson by his prudent conduct prevented war with France, and sent James Monroe in 1803 to France, where he already had Robert R. Livingston negotiating for New Orleans and Florida. The result was beyond anything expected by Jefferson or either of his envoys. The offer came directly from Napoleon himself to cede not merely New Orleans but the whole of Louisiana to the United States, not on account of anything the envoys had said but because of Napoleon's declaration of war against England. Thirteen years before Jefferson had said that "it was not our interest to cross the Mississippi for ages," and in his instructions to Livingston and Monroe he did not press the acquisition of the western land beyond the Mississippi. But the spirit of acquisition was always actively with him, and the envoys in accepting Napoleon's overture merely interpreted his secret and silent feeling. When the news arrived in America,

<sup>7</sup>Muzzey, *Life of Jefferson*, 149.

Jefferson promptly endorsed the action of his agents, though he was unnecessarily straitlaced on the constitutional question. John Randolph, who had been the Republican leader in the House of Representatives was one of those who considered that the constitution gave the executive ample power to annex foreign territory, and this view was generally held by the Republicans everywhere. By this treaty acquisition the navigation of the Mississippi became free to all American citizens.

But here again the two nations manifested themselves. New England bitterly opposed the annexation of Louisiana because of its fear of increasing the Southern predominance, and its senators voted against the ratification of the treaty, taking in their speeches extreme states rights and sectional grounds. This irregular conduct came with poor grace from a part of the country which had just the other day strongly opposed the Virginia resolutions of 1798-99 and had assumed to possess all the love of order and obedience to law in the Union. It had been the constant complaint of the New Englanders against Jefferson that he was an "anarchist," and no fear of anarchy deterred many of them from the most revolutionary and dishonorable proceedings.

The utility of ascertaining the character of the interior of Louisiana at this time induced Jefferson to send his private secretary, Meriwether Lewis, and William Clark, brother of Gen. George Rogers Clark, on an expedition to trace the Missouri to its source, cross the mountains, and follow the best water communication which offered itself from thence to the Pacific. They started from St. Louis, May 14, 1804, and returned to the same place in September, 1806. This exploration gave some idea of the immense extent and great wealth of Louisiana as then described. In 1811 John Jacob Astor established a fur station at the mouth of the Columbia River and called it Astoria.

After the annexation of Louisiana the American claimed west Florida as far as the Perdido River as part of the

acquisition, and this claim, not admitted by Spain, formed an important part of the negotiations for many years. There was much trouble over this dispute, and at last Spain ceded the whole of Florida to the United States in 1819. The negotiations were conducted through John Quincy Adams, the secretary of state, who largely reconciled the New Englanders to the acquisition. But their opposition was aroused before the final ratification by the request of Missouri for admission as a state with slavery. The sectional issue was again revived, till according to Mr. Adams the division of the Union was freely discussed, and Mr. Clay predicted that it would not last five years. The opposition of New England was mainly directed to any strengthening of the South, and their fears even extended to Oregon. The report made by John Floyd of Virginia at this time to take possession of the country was characterized by John Quincy Adams as "a tissue of errors in facts and abortive reasoning."<sup>8</sup> Indeed, had the New England influence prevailed as to annexation the Union would have been confined to a narrow strip along the Atlantic shore.

6. Next the Virginia Dynasty stood for *Economy and Peace*. Hamilton had announced the shocking doctrine that "a Public Debt was a Public Blessing," and in assuming the state debts he had not waited for an accounting but according to Albert Gallatin had assumed \$10,883,628.58 more than was necessary. To this Jefferson had opposed the doctrine that a Public Debt was a Public Evil, and his policy was to pay off the public debt and not to maintain it. So he made extensive reductions, accomplished in large part by discontinuing numerous offices instituted by the Federalists. He withheld all commissions of judges and justices which Adams had not had time to deliver. The inspectors of the internal revenue, who had been brought into office by the mere authority of the Executive he discontinued in a mass. Calling in the aid of Congress he next had the late judiciary act and the internal

<sup>8</sup>*Memoirs of John Quincy Adams*, V, 238.

revenue laws repealed, and in doing so closed up three-fourths of all the offices, containing an army of stipendiaries. Of the remaining one-fourth left in office Jefferson removed under one hundred in eight years, and promoted Republicans to the vacancies. Under James Madison there were only five removals during eight years and under James Monroe only thirteen. The Spoils System of the Federalists was repudiated and avoided.<sup>9</sup>

In the same spirit of peace and economy Jefferson reduced the army and navy. For this he has been very greatly ridiculed, but there is no evidence whatever that had every dollar that Gallatin applied to the reduction of the public debt been applied to the army and navy, it would have made any difference with England. Many writers, like Theodore Roosevelt, have assumed that building up the army and navy would have prevented war. All the money at Jefferson's disposal could not have built a navy equal to England's, and England in 1807, after the attack of the *Leopard* on the *Chesapeake*, was a more dangerous enemy than England in 1812, when war actually took place. Mr. Muzzey says that it was a blessing for us that hostilities were delayed, for the fury of the war with France was then near spent, and we suffered only its declining force.<sup>10</sup> Really this matter illustrated, as other things did, the dual nature of the Union. Jefferson, as a Southern man, thought agriculture far more important than commerce, and from the Southern standpoint no navy was needed, as British shipping did all the carrying for the South, and no questions of search and impressment could arise.

In place of war Jefferson and Madison resorted to non-intercourse and embargo against the British orders in Council and French decrees. Similar measures had been relied on before, and, supported by the people, were found effective. They had been employed by the colonists against British taxation in 1774. They had been employed against the French

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<sup>9</sup>Tyler, *Parties of Patronage*, p. 35.

<sup>10</sup>Muzzey, *Life of Jefferson*, p. 273.

by the Federalists in 1794. It was really the opposition of New England that prevented them from being effective now. And yet, great as New England complained of these measures, it could not be alleged that they took one dollar more of money from that section than the South. The truth is the laws bore heavily upon the exports of the South, and the South suffered more than New England. How different from the assumption of the State Debts and the protective tariffs!

When finally Madison could no longer bear the insults of Great Britain, he went to war in behalf of New England rights, which strange to say was not appreciated, and he was liberally abused. Six thousand of our citizens, mostly New Englanders, had been captured and imprisoned by the English, and the war was correctly termed a second war of independence.

In conducting the war Mr. Madison had all kinds of difficulties to contend with. The great weakness in his position was New England. That great section of the country was honey-combed with conspiracy, and secession would have been preferable to the part played by those states. An open enemy is always less to be feared than a concealed one. The attitude of New England demoralized the soldiers in the ranks, and no general brought more disgrace on the American name than General Hull of Connecticut. Placed inside the fort at Detroit, where the safety of the entire Northwest depended upon the maintenance of his post, he ran up the cowardly white flag without firing a shot. The surrender was a source of extreme demoralization. Writing to Wilson Cary Nicholas, Mr. Madison said: "You are not mistaken in viewing the conduct of the Eastern States as the source of our greatest difficulties in carrying on the war; as it certainly is the greatest, if not the sole inducement to the enemy to persevere in it."

But peaceful as the policy of the Virginia Dynasty was, it was warlike enough to accomplish what the Federalist rule had not accomplished. What it had of a navy it made effec-



DOLLY MADISON

tive. The Federalists paid servile tribute to the Barbary pirates, but Jefferson instead of sending tribute and letters of flattery sent ships of war. In this way "Dale, Bainbridge and Decatur made the Mediterranean sea the training ground for the young American Navy, exercised it in actual battle, strengthened it on the strong wine of victory, and thus made it ready for the War of 1812." Among the naval heroes who gave a favorable complexion to the War of 1812 was Lewis Warrington, of Hampton, Virginia, commanding the *Peacock*. He engaged the British sloop of war *Epervier*, convoying a fleet of merchantmen. In the battle which ensued the *Epervier* was badly injured and her crew surrendered. On board of her was found 118,000 dols. in specie. So it would seem that Jefferson's policy of fighting the Barbary Powers instead of paying them was the reason we had a navy in 1812 which could fight and win victory.<sup>11</sup>

7. Then there was the *Draft Bill* proposed by Madison's Administration. It was bitterly denounced as contrary to the constitution, state sovereignty and individual rights by the New England speakers and writers, including Webster, who made a disunion speech against it. It is now admitted that raising troops in this way is the most reasonable and fairest method, and it was by a more drastic bill in these latter days that the United States mustered its strength and decided the issues of the World War. This measure in 1814 failed of passage in the Senate, and representative New Englanders declared its enforcement in New England would be met with arms. The Hartford Convention adopted resolutions in favor of States Rights more pronounced than the Virginia Resolutions of 1798-99. And while New England during war was thus tying the hands of the government, the soldiers of the South under General Andrew Jackson gave to the army of Sir Edward Pakenham that crushing defeat at New Orleans from which it is to be dated the time when she first began to treat the government of the United States with respect.

<sup>11</sup>Watson, *Life and Times of Jefferson*, 478-479.

8. Next the Virginia Dynasty stood for what is known as the *Monroe Doctrine*. Jefferson as early as the year 1787 had written against "entangling alliances," and in October, 1823, he wrote to Monroe that "the fundamental maxim of this government should be never to entangle ourselves in the broils of Europe," and "never to suffer Europe to intermeddle with Cis-Atlantic affairs." John Quincy Adams, as secretary of state of a Virginia administration, gave expression to similar sentiments in July, 1823, but it is probable that he had already discussed the question with President Monroe.

Now during the War of 1812 the Federalists made open alliance with England, and England was allied with the effete monarchies of Europe against Napoleon. These monarchies, on the downfall of Napoleon in 1814, entered into a Holy Alliance to "repress" all reforms, and "representative governments." When they started to extend their interference to this continent by aiding Spain against her South American colonies it was too much for England and she opposed the interference and asked the co-operation of the United States. The United States declined to act in conjunction with Great Britain, but took its own separate action. This was embodied in the celebrated message of James Monroe of December 2, 1823, (1) That "the American Continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers" and (2) That any attempt on the part of European powers to extend their political system to this continent would be deemed "dangerous to our peace and safety."

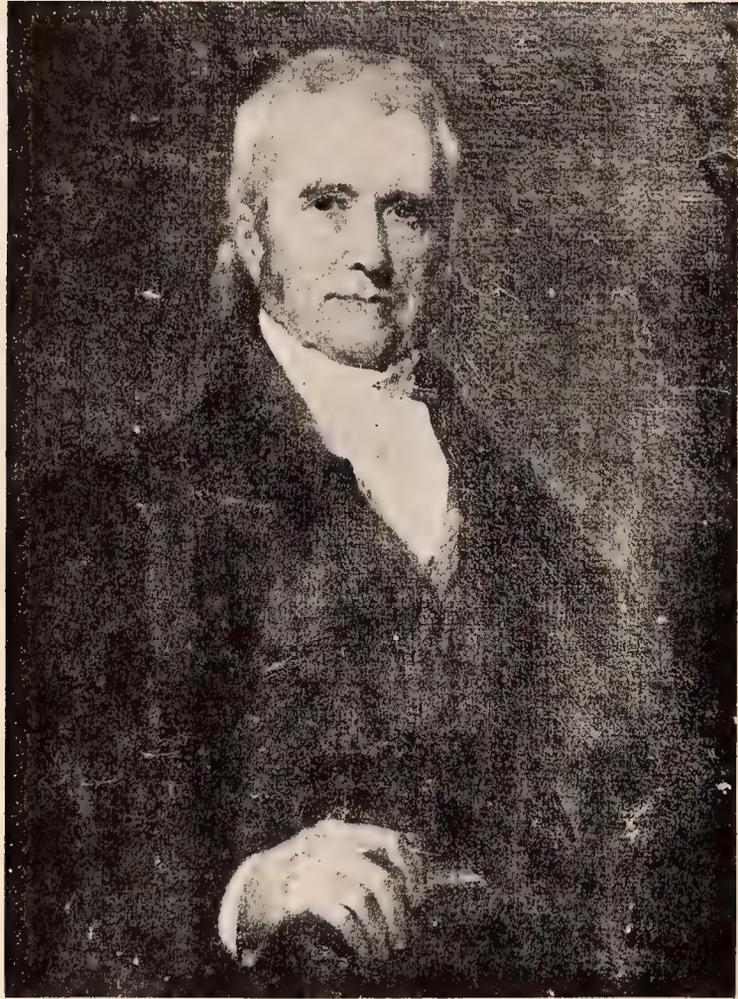
The discussion of the immediate authorship of these declarations, is of little importance. Mr. Calhoun, who as a member of Monroe's Cabinet, was in a position to know, attributed<sup>12</sup> the sentiments of the message entirely to Mr. Monroe, but whether his or not, it was his official sanction which gave authority to the phrases by whomsoever written.

<sup>12</sup>*William and Mary College Quarterly*, XVII, p. 4.

They were, as known to the world, the utterances of a Virginia President, and by adoption, if such was the case, was as much his own as if they had been originated and written by him. In any other mouth, they would have had little practical importance.

9. Lastly the Virginia Dynasty stood for the doctrine that the Union was a *Partnership* of which the States were members. This was in opposition to the doctrine preached by John Marshall and the Federalists in general that the Union was a consolidated autocracy. Theoretically the policy recommended by the Dynasty was one of confining the government as much as possible to foreign relations and avoiding interference with the States. In support of this they recommended a strict construction of the Constitution, seeking thereby to avoid sectional jealousies. But they were sometimes compelled to compromise and like Marshall gave power to the Federal government. Thus Jefferson annexed Louisiana, and though there was no really constitutional objection on the subject, pronounced it unconstitutional. Monroe favored the idea that the government was vested with the power of unlimited appropriation, which was denounced by many states rights men.

But power in the Federal government is something entirely different from sovereignty, and as a matter of fact the decisions of John Marshall had little influence on the ultimate question of State and National sovereignty. Thus they certainly had no effect in the South where submission to Marshall's decision did not interfere with the ever increasing maintenance of the doctrine of State sovereignty. There was in fact no true antagonism between the most powerful Federal government and the extreme assertion of States Rights—Secession. Sovereign states may favor a constitution giving the most ample power to a Federal government, and yet reserve the right of withdrawal. The real explanation of events up to 1861 must be primarily sought, not in the decisions of Marshall, which affected only questions of power, but in the



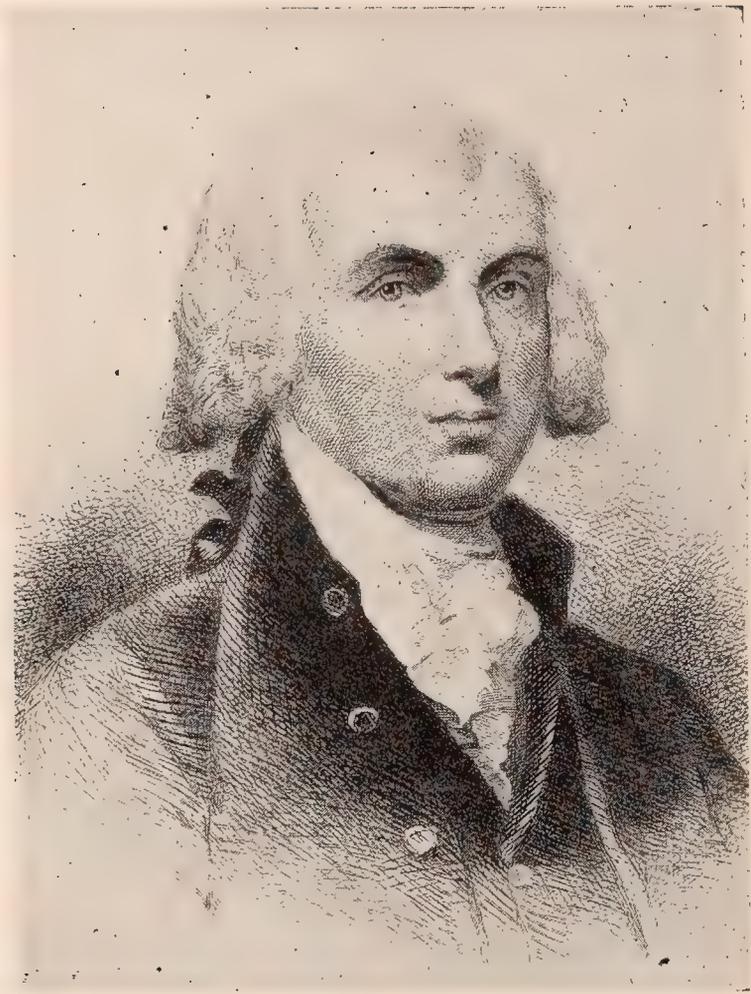
JOHN MARSHALL

diverse interests of the two nations which caused one, the weaker, to resort to States Rights and State sovereignty as a defensive measure, and caused the other, the stronger nation, to resort to nationality and forced construction to excuse its own eagerness for power. The question was fundamental.

Marshall in his decisions strove to unify the power of the United States government, and had there been one people it is difficult to see why Marshall's decisions should not have been accepted at once. But every accession of power to the Federal government was dreaded by the South as a means granted the North of sectional tyranny. Congress, dominated by the North, did not hesitate to pass the most sectional laws, and it was fortunate for the existence of the Union that the spirit of compromise born of States Rights prevailed in 1820, 1833 and 1850. Had unbending Nationalism, which meant the rule of the North, prevailed at either of these times, the Union would have been undoubtedly broken. As it was, in 1861, despite the increased relative power of the North, the confession was wrung from Lincoln that, without the 200,000 negro troops enlisted by him from the South's own population, he would have "had to abandon the war in three weeks."

Undoubtedly, then, if peace between antagonistic sections was desirable, the policy of Spencer Roane, in preserving the dignity of the Supreme Court of his state, was a more efficient one than that of Marshall, who, in strengthening the Federal Government, gave the all powerful North the opportunity of greater tyranny over the South and encouraged it to violence.

Marshall had an intensity of idealism which, even more than in the case of Jefferson, Madison and Monroe, blinded him as to the future, but he felt as a Southern man, and condemned both the alien and sedition laws and the tariff. His career as a judge can not stand wholly unimpeached in the eyes of those who praise him most for his decisions on the constitution, for his views on the common law, as a part of the law of the United States, and his interpretation of the interna-



*James Madison*

tional law as the British construed it, stand repudiated by the present strongly centralized government.

Such were the principles for which the Virginia Dynasty stood, and it may be said of all but the last that they furnish the chief and important pillars of the American Union of today. No one can find where New England contributed a single, important feature to the structure of the Government.

In treating the three administrations as one, it is not to be supposed, however, that the sailing of the Ship of State was not without serious disturbances at times. The leader in the Senate during Jefferson's administration was William B. Giles, of Amelia County, Virginia; and John Randolph, of Roanoke, led the Republican forces in the House of Representatives. They were both strong men, but too self opinionated to maintain a steady support of any administration. John Randolph deserted Jefferson in 1806 on the question of the Yazoo claims, opposed the embargo and the War of 1812, and allied himself with the New England Federalists, who pretended to assume the garb of States Rights on these questions. In the presidential campaign of 1808 he advocated the nomination of James Monroe, in preference to that of Madison, whom he deemed too nationalistic.

On the other hand, Giles, after supporting nearly all the measures of Jefferson and Madison, finally broke with Madison in the War of 1812, and afterwards bitterly condemned James Monroe for his deviation from States Rights on the question of appropriating money for internal improvements.

As to the two presidents, Madison and Monroe, the good feeling between them was temporarily disturbed through their rival pretensions in 1808 to the Presidency, but it was restored when in 1811 Monroe, who was then governor of Virginia, was invited by President Madison to accept the office of secretary of state. Other leaders in Congress from Virginia were John Taylor, of Caroline, and John W. Eppes, a cousin of Mrs. Jefferson.

Virginia did her full part in the War of 1812. Governor Wilson Cary Nicholas, in a message to the Legislature, December 23, 1814, said: "During the last campaign there were in the field not fewer than 25,000 citizens of this State at one time, and for a considerable period at least fifteen thousand." The quota originally requested by Congress was 12,000 men. The list of officers born in Virginia was especially brilliant and distinguished. Among these of highest rank were William Henry Harrison, Winfield Scott and Edmund Pendleton Gaines, of the Army and Commodore Lewis Warrington of the Navy. Of lower rank were George Mercer Brooke and Andrew Hunter Holmes, of the Army, and Captain Robert Henley of the Navy, who distinguished himself at the battle of Lake Champlain and received a gold medal from Congress.

As a counterstroke to the American plan of invading Canada, an order in Council, December 26, 1812, declared the ports and harbors in Chesapeake and Delaware Bays in a state of rigorous blockade. A powerful squadron under Admiral Cockburn, whose flagship was *The Marlborough*, entered Chesapeake Bay for the purpose of enforcing the same on February 4, 1813. They bore a land force of eighteen hundred men, under Sir Sidney Beckwith, and were well supplied with surf boats for landing. Their appearance alarmed all lower Virginia, and the militia in the regions about Norfolk were soon in motion.

Cockburn made Lynhaven Bay his chief position, and from thence he sent out marauding expeditions along the shores of the Chesapeake Bay, who plundered and burned farm houses in Maryland and Virginia. He attacked Frenchtown in Delaware and Havre de Grace in Maryland, doing them much injury, and went up the Sassafras River and attacked Fredericktown and Georgetown, villages containing from forty to fifty houses each.

On June 8, 1813, Cockburn was reinforced by a squadron under Admiral Warren. The British force now collected

within the Capes of Virginia consisted of eight ships of the Line, twelve frigates, and a considerable number of smaller vessels, and it was evident that an attack was contemplated on some point of more importance than defenceless villages. The citizens of Baltimore, Annapolis and Norfolk were equally menaced, but when at the middle of June three British frigates entered Hampton Roads, and sent their boats up York River to destroy some small American vessels there and plunder the inhabitants, no doubt remained that Norfolk would be the object of British attack. The various fortifications near Norfolk were put in a state of defence—Forts Norfolk and Nelson, one on each side of the Elizabeth River, and Craney Island at its mouth. The old Frigate *Constellation*, which under Admiral Truxton, had captured the French Frigate *L'Insurgent* in 1800, was in Elizabeth River and ready to fight.

But the Americans did not wait to be attacked. Commodore Cassin organized an expedition for the capture of the British frigate that lay at anchor at the nearest distance from Norfolk. Towards midnight, on the 19th of June, 1813, a squadron of fifteen gun boats, under Lieutenant Tarbell, descended the Elizabeth River, and under the protection of a heavy fog, approached within range of a British vessel without being discovered, at about half past three o'clock in the morning. The vessel was taken by surprise and replied only weakly to the fire of the Americans. The capture of the vessel, however, was snatched from Tarbell by a breeze springing up, which enabled two of the other vessels to come up, open fire and drive the Americans off.

This daring attack by the Americans brought matters to a crisis. The British determined to capture Norfolk and its fortifications, and with the very next tide fourteen of the enemy's vessels entered Hampton Roads, ascended to the mouth of James River, and took position between the point called Newport News and Pig Point, at the mouth of Nansemond River.

James Barbour was the governor of Virginia. He was patriotic and active, and by untiring energy had assembled several thousand militia. Brigadier General Robert Barraud Taylor, a graduate of William and Mary College, had the command, and his attention was especially directed to the defence of Craney Island. This island formed the most distant outpost of Norfolk and was the key to the harbor. It consisted of about twenty-four acres, and was separated from the mainland by a strait that was fordable at low tide. On the southeastern side of it, and commanding the ship channel were entrenchments, on which two 24, one 18 and four six pound cannon were planted. On the evening of the 21st of June the whole force on the island numbered seven hundred and thirty-seven men and were commanded by Lieutenant-Colonel Beatty. The battery was commanded by Major James Faulkner, father of Charles James Faulkner, who was a member of Congress and minister to France at the beginning of the war in 1861. The British landed about 2,500 men, infantry and marines, at a creek on Hampton Roads called Hoffleur's Creek, and tried to take the island by attacking it in the rear. Major Faulkner at once ordered the cannon to be transferred to the other end of the island, nearest to the approach of the British, and when they reached Wise's Creek opened fire upon them with great precision and soon put them to flight.

Almost simultaneously with this advance of the British land forces, fifty large barges, filled with fifteen hundred sailors and marines, were seen approaching from the enemy ships. The battery was turned upon them, and the remarkable exactness of the fire soon threw the barges into great confusion, till an order for retreat was given. Admiral Warren's barge, *The Centipede*, and four other barges were sunk in shoal water and the remainder returned quickly to the ships. Lieut. B. J. Neal was directed to send some of his bold seamen to seize the admiral's barge and all in it, and haul it on shore, and this was gallantly performed by Lieuts. Josiah Tattnall



JAMES BARBOUR

and Geissinger, and Midshipmen Bladen Dulany and Master George F. de la Roche.

Thus ended the battle. It constituted the most utter discomfiture which the British suffered in the war, if we except perhaps the battle of New Orleans. Four thousand men were repulsed by 737, chiefly Virginia militia, and commanded by a Virginia militia general. So certain was Sir Sidney Beckwith of success that he promised the troops the opportunity of breakfasting on Craney Island that morning.

Exasperated by their ignominious repulse at Craney Island, the British proceeded to attack the town of Hampton, on the west side of Hampton Creek, two and a half miles from Point Comfort. It was the capital of Elizabeth City county, and was a mile from the confluence of the Creek with the waters of Hampton Roads. It was defended at the time by about four hundred and fifty Virginia militia, under Major Stephen Crutchfield.

While Admiral Cockburn threatened the town in front with a flotilla of armed barges and boats, Sir Sidney Beckwith with a large land force, including some French prisoners who had volunteered to fight with the British, proceeded to take the town in the rear, by landing on the shore of Hampton Roads. Crutchfield's camp was at Little England, southwest of Hampton, and his heavy battery opened with effect on Cockburn, whom he soon forced to retire behind Blackbeard Point. Cockburn took shelter behind the Point, and Crutchfield, convinced that this action was a feint, gave his attention to the forces landed under Sir Sidney Beckwith. He first sent forward Captain Servant with his company of riflemen to ambush the British on the road leading from Ceeley's, Wilson Nicholas Cary's plantation, to Hampton. Then he sent forward Sergeant Parker and a few picked men, with a field piece, to assist Servant. When the British crossed the head of the west branch of Hampton Creek, at the Ceeley road, the Virginians poured a deadly fire into their ranks, which, taking them by surprise, caused much confusion. Among the killed

was the brave commander of the marines, Lieutenant-Colonel Williams of the British Army, who was buried at Hampton.

But the British soon recovered from their confusion and pressed forward, compelling the riflemen to fall back. Crutchfield, hearing the firing, hurried with all his troops to the rescue, but he could not withstand the storm of grape and canister which the British poured upon him, and some of his troops broke and fled in confusion across the Yorktown road and the Pembroke estate. The remainder he drew off in good order. In this affair in which, according to all accounts, the British greatly outnumbered the Virginians, the British lost about fifty men, in killed, wounded and missing, and the Virginians about thirty.

The British now entered Hampton by the Yorktown road, and the atrocities committed upon the few defenseless inhabitants who remained in the town have consigned the name of Sir George Cockburn to merited infamy. The British authorities put the blame on the French soldiers, but this was really no excuse as the British generals were responsible for the conduct of any troops under their command.

The British remained in Hampton till the 27th, when they reembarked, and a few days later left Hampton Roads to spread their work of destruction first up the Chesapeake Bay and then southward along the coasts of the Carolinas and Georgia. While Cockburn was in Virginia a great many negroes flocked to his standard but they were harshly treated and sold into worse slavery in the West Indies.

The question of admitting Missouri as a state came before the House of Representatives in 1818 for the first time. If in 1861 South Carolina took the lead in resisting the Northern majority, that position in 1820 was taken by Virginia. The election of Lincoln, at the former time, according to constitutional forms, did not make a case in which Virginia cared to take action, and she did not act until coercion of South Carolina was attempted. But the restriction prohibiting slavery in Missouri seemed to all the statesmen of Virginia a direct

and flagrant infringement not only of the Constitution, but of the treaty by which Louisiana, from which Missouri was taken, was obtained.

The bill to admit Missouri was amended, on the motion of Mr. Talmadge, of New York, by a clause prohibiting slavery, which prevailed in the House, but was struck out in the Senate, and so the bill was lost at this session. But at the next session the question was agitated again, and on motion of Mr. Scott, the territorial delegate, referred to a committee, who reported on December 9, 1819, a bill in the usual form, authorizing Missouri to form a State constitution, with a view to its admission. To this bill a restriction against the continuance of slavery was moved by Mr. Taylor of New York.

Soon after this the question was taken up in the Senate. A bill providing for the admission of Maine, which had passed the House on the third of January, 1820, was amended in the Senate by a provision tacking on to it the admission of Missouri. Jonathan Roberts, of Pennsylvania, moved to amend the amendment by adding a restriction against slavery just as Mr. Taylor had done in the House. On February 1st his amendment was voted down in the Senate by a vote of 27 to 16.

This appeared a large majority against restriction, but it was one looking only to a compromise. On the question of linking Missouri with Maine, there was only a majority of one, and how far that vote could be relied on in all the contingencies that might occur was not known. It was at this juncture that President Monroe wrote (February 3) to James Barbour, a Senator from Virginia, advising the separation of Maine and Missouri, and the admission of Maine without delay. In his opinion it would promote the unqualified admission of Missouri to let the question rest on its own merits. "To give effect to the suggestion you ought to have immediately a meeting of the Southern Senators." The same day Jesse B. Thomas of Illinois, one of the Northern Senators in sympathy with the South and voting against Mr. Roberts' amendment, moved an amendment to the Maine Bill, having



*James Monroe*

the Missouri proposition tacked to it, which amendment allowed Missouri's admission without restriction, but prohibited slavery north of  $36\frac{1}{2}$  degrees north latitude, in all the territory outside of Missouri ceded by France and known by the name of Louisiana. The President and his cabinet—Adams, Crawford, Calhoun and Wirt—thought favorably of the measure and the President appears to have communicated his disposition in an interview with Senator Barbour.

In the meantime the Legislature of Virginia met in Richmond on Monday, December 6, 1819. Linn Banks was re-elected Speaker of the House of Delegates, and a letter was read from John W. Eppes, resigning his seat in the Senate on account of ill health. The members were very much opposed to any restriction on Missouri, and in January, 1820, the House of Delegates adopted, with only one or two dissenting voices, a preamble and resolutions denouncing in severe terms "the alarming attempt of Congress to manacle the sovereign will of the people in Missouri" and pledging the State of Virginia "to interpose in their defense," but the Senate was more politic and these resolutions did not go out as the official utterances of the state.

The sentiment against any restriction was very strong, however, and when Senator Barbour wrote to Charles Yancey, a prominent member of the Legislature, that the President and his cabinet had consented to the compromise proposed by Mr. Thomas, the indignation and resentment at Richmond was beyond all bounds. Henry St. George Tucker wrote Mr. Barbour on February 11, that "he was unable to describe the sensation in Richmond at the intelligence conveyed by your letter." "A compromise which gives up the fairest and largest part of the western territory and leaves us a narrow slip intersected with mountains in one direction, destroyed by earthquakes in another and in a third with swamps and bayous, and infested with mosquitoes and bilious diseases, can never be grateful to us." Two days before this letter was written a caucus of the members of the General Assembly

was held to nominate presidential electors. Mr. Yancey broke the news of the Barbour letter regarding the President's views to the caucus. Immediately an intense excitement prevailed, the proposed compromise was bitterly denounced, and so indignant were all with President Monroe that an adjournment of the caucus took place without the appointment at this time of any electors.<sup>13</sup>

Mr. Barbour shared in the general suspicion, and some severe comments were made on what was supposed to be his concurrence with the President.

Reassuring letters from Barbour contributed to calm the ferment in Richmond, which settled finally into a resolve to endorse Monroe for the presidency, but to continue opposition to any compromise. The Senate of Virginia would not accept the resolutions of the House of Delegates and substituted for them a paper free from denunciation, but containing a strong argument against any restriction whatever on Missouri. Then on the 17th the caucus met again and nominated the electors, 24 in all, favorable to Mr. Monroe, and on the same day a vote was taken in the United States Senate on Mr. Thomas' compromise amendment and it was adopted, but among the negatives were the names of James Barbour and James Pleasants of Virginia.

Afterwards when the vote was taken in the House of Representatives on the same restriction, out of twenty-two representatives from Virginia, seventeen voted against the compromise. There were only twenty-five other negatives, and of these five were from the North and twenty were scattered among the other southern states.

South Carolina led the majority of the southern delegates in voting for the compromise, and thus the issue of arms was again postponed. Ex-President Madison joined<sup>14</sup> with Monroe in approving the compromise, but thought that it would have

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<sup>13</sup>Correspondence of James Barbour in *William and Mary College Quarterly*, X, 5-24.

<sup>14</sup>Madison to James Barbour, *William and Mary College Quarterly*, X, 11.

been equitable if the line of division had been run "so as to make the partition correspond with the estimated proportion in which the common property was paid for by the two descriptions of owners."

On the other hand the venerable Jefferson saw the result with clearer vision. He wrote to William Short on April 13, 1820: "The old schism of Federal and Republican threatened nothing because it existed in every state and united them together by the fraternities of party. But the coincidence of a marked principle, moral and political, with a geographical line, once conceived, I feared would never more be obliterated from the mind; that it would be recurring on every occasion and renewing irritations, until it would kindle such mutual and mortal hatred as to render separation preferable to eternal discord. I have been among the most sanguine in believing that our Union would be of long duration; I now doubt it much, and see the event (separation) at no great distance and the direct consequence of this question." Thus it seems the greatest of all idealists was disillusioned. Things turned out just as he said. The Kansas-Nebraska bill in 1854, repealing the Missouri law, was made the immediate cause of an agitation that piled up mountains of hatred, and separation was adopted by the South as the only reasonable alternative to a Union involving "eternal discord."

## CHAPTER III

### NATIONAL POLITICS IN VIRGINIA, 1825-1845

The Federalist party had contrived to identify itself with every principle odious to the masses of the people both North and South. Everybody deserted it, and the great Republican party held the political field in solitary triumph during the administration of James Monroe (1817-1825).

But the old sectional differences were by no means done away with, and this was convincingly shown in the controversy over the admission of Missouri in 1820, as set forth in the previous chapter.

At the end of Monroe's administration the Republican party became split into four factions, headed respectively by Andrew Jackson, John Quincy Adams, Henry Clay and William H. Crawford. Of these only Crawford was distinctively a representative of the southern nation. The northern nation had its proper representative in John Quincy Adams, and Jackson and Clay represented the great West, whose northern sympathies were for the time obscured by its adoption of the great principle of democracy championed by Virginia. All three, however, were advocates of the ideas then popular under the name of the "American System," embracing internal improvements and a protective tariff. Mr. Crawford, who was a native of Virginia and resident of Georgia, alone opposed. He was consequently the favorite of Virginia and Mr. Jefferson, and received the support of the Virginia Legislature for the presidency.

Unfortunately just before the election a stroke of paralysis impaired Mr. Crawford's health and dampened the ardor of his friends. Calhoun, of South Carolina, who had also

designs on the presidency, wisely consented to abandon his aspirations therefor for the vice presidency, and of the four presidential candidates, Jackson received ninety-nine votes in the electoral college, Adams, eighty-four, Crawford forty-one and Clay thirty-seven. There being no choice by the people, the selection between the three standing highest on the list devolved upon the House of Representatives. In this body Clay's friends would have voted for Crawford except for his reported sickness, and they finally narrowly effected Adams' installation into the coveted office of chief magistrate. Seven states voted for Jackson, four for Crawford and thirteen for Adams. Had Maryland voted against Adams he could not have been elected and the vote of Maryland was carried in his favor by a single vote, and of a total of 212 members of the House of Representatives only eighty-seven members of the House supported Adams, seventy-one Jackson and fifty-four Crawford. The six New England states recorded their votes for Adams, the whole of them together containing a population not much greater than that of Georgia and Virginia, which voted for Crawford.

Because Jackson's name, however, stood first in the list, his adherents raised a cry that Adams had bought Clay's aid by promising him the office of secretary of state. It seized upon the sensibilities of the people to cry bargain and corruption, and when Randolph formulated it as "the Combination of the Black Leg and the Puritan" the charge flew like wildfire over the land and caused great excitement.

Clay's preference had been originally Crawford, and consequently the Crawford party in Virginia more or less sympathized with Clay. As between Adams and Jackson, the Crawford party preferred the former, and Crawford and Clay aside would have voted for Adams in preference to Jackson. The latter's violent conduct in Florida and strong arbitrary will, evinced in public brawls and personal encounters, argued poorly for the observance of strict constitutional limitations. On the other hand, Adams had been secretary

of state for James Monroe eight years, and his views on the American system were not as yet disclosed.

But it was not for long. In his inaugural address Adams talked about the aqueducts of Rome as the example to be imitated by this country, and strongly advised the extension of roads and canals throughout the whole Union. Mr. Rush, the secretary of the treasury, gave even a more explicit interpretation to the policy of the Government which was<sup>1</sup> "to organize the whole labor of the country, to entice into its widest ranges its mechanical and intellectual capabilities, instead of suffering them to slumber; to call forth, wherever hidden, latent ingenuity; giving to effort activity and to emulation ardor; to create employment for the greatest amount of numbers by adapting it to the diversified faculties, propensities and situations of men, so that every particle of ability, every shade of genius, may come into requisition."

This latitudinous avowal of the administration threw the followers of Mr. Crawford in opposition, and the great Republican party slowly condensed into two great opposing bodies called Democrats and National Republicans. In 1824 the Jackson men and "old school" advocates stood furthest apart in feeling. It was Jackson, Adams, Clay and Crawford. Yet by the circumstance of their both being "outs" and their common opposition to any class system, they were compelled by 1827 into some sort of union to beat the "ins." They came to constitute the Democratic party, and as curiously illustrative of the spirit of its Jackson wing, all the factions of the old Federalist party, other than the Adams men, allied themselves with it. Among the Jackson Democrats were such old Federalists as Timothy Pickering and James A. Hamilton, son of Alexander Hamilton.

The friends of Adams and Clay fused more naturally into the National Republican party, and embraced that portion of the old Federalist party who had supported the administration of John Adams. Neither party, however, admitted any kin-

<sup>1</sup>Congress Debates II, Part II, App. p. 27.

ship with the defunct Federalist party, and both looked to Jefferson as the great exponent of their principles. Hamilton was a discredited politician, and his fame was revived only after the War of 1861-65, which wiped out the South as an influential factor in the Government, and made popular the monarchical and autocratic views of the North.

The support given the American system was not long in bringing out again the sectional character of the Union. We have seen that, as early as the first session of the First Congress, William Grayson denounced the raising of revenue by impost as particularly injurious to the South. Even under the first tariff (approved July 4, 1789) the eastern interest was in the ascendancy, and at the start there was a manifest disposition for the advancement of commerce and manufactures, in preference to agriculture. The next year (1790) saw a greater preference. While New England was benefited by an increase of bounty on dried fish from 5 cents a quintal to 10 cents, and the tax on molasses was made only 3 cents per gallon instead of 2½ cents, salt in which the South was much interested in curing bacon was taxed 12 cents a bushel instead of 6 cents.

Thus time passed on, and the tariff rates and bounties steadily grew in figures, always to the disadvantage of the South, until under the tariff of 1816 duties on cotton and woolen cloth stood at 20 and 25 per cent and the average rate of the bill was 20 per cent.

However, the primary object of this tariff, at this time, as of all preceding it, was for revenue, and only incidentally for protection, and it was not till 1820 that the direct issue of a protective tariff was, for the first time, raised in Congress. The policy was supported by the middle and western states, aided by South Carolina, who suffered, as she had done a long time before, under a sad misapprehension of her interests. The rest of the South, under the lead of Virginia, was positive against the measure. New England was divided on account of its shipping interest which needed free trade. But the

opposition of the latter could not continue, since the rates for revenue hitherto imposed had made predominant its manufacturing interests.

Petitions in favor of an increase of duties, so as to afford not revenue but protection, were offered at the session of Congress in 1819. The Virginia Society for Promoting Agriculture offered counter memorials. These were referred to a committee of which Baldwin, of Pennsylvania, was chairman. In March, 1820, he reported a bill raising the tariff rates on woolen and cotton goods from an average of about 20 per cent to 30 per cent. On April 22, 1820, John Tyler, of Virginia, moved to strike out the first section of the bill, and two days after opened the debate against the tariff in an exhaustive reply to Mr. Baldwin. In this debate Mr. Tyler made the prediction, scoffed at then but abundantly verified by subsequent events, that "this was but the incipient measure of a system; that after the lapse of a very few years we should be assailed by as urgent petitions as those which have poured in on us at the present session." The merchants of Richmond now followed the example of the farmers of the state and adopted an able memorial prepared by Thomas Rutherford of Richmond, which drew a sharp criticism from Mr. Baldwin.

Despite all protests, the bill for revision in the House of Representatives passed by a vote of 90 to 69, but the bill failed in the Senate, and no new tariff was enacted at this session.

But, as predicted, the manufacturers, defeated in 1820, returned to the charge in 1824, and obtained this time an imposition of duties averaging 33 per cent. This was an enormous increase, but the lust of the manufacturers did not stop at this point. Passed in a time of profound peace, these high rates seemed only to sharpen the appetite of the tariff men, and soon a new move was made for more rates and more protection. So brazen indeed did the manufacturers and northern speculators become that the slumbers of the whole South were by this time perturbed. South Carolina, which

controlled by the city of Charleston, had, under the influence of Lowndes and Calhoun, long acted with New England, now wheeled into line with Virginia, and the whole South awoke to realize that they were in the hands of a remorseless northern majority. The milch cow which had for long years allowed herself to be milked by the North at length began to kick and wickedly shake her horns, under the patent device which kept her poor and starved her young.

The tariff came up again in 1828. It was now a solid South against a solid North. But instead of organizing armed resistance against a system of taxation, which John Randolph pronounced in many respects worse than any form of British tyranny, the South adopted the poor politics of playing off the interests of the middle states against the interests of the eastern states. They united with Pennsylvania and Ohio to impose duties on iron, hemp, wool and molasses, contrary to the wishes of the New England states, hoping by thus amending the bill to kill it in the estimation of its best friends. In this they were disappointed. The representatives of New England made a wry face and voted for the bill, as its advantages, when calmly considered by them, overbalanced the disadvantages. By this bill the rates of the protective tariff were raised to an average of 50 per cent. As it satisfied nobody entirely, it stands stigmatized in history as "the bill of abominations." Yet, if the protective principle was a just one, this tariff was the best that had ever passed into law, since by the policy of the South its operations were more general and uniform.

Virginia was hurled off from the Adams administration, and in the election which followed in the fall of 1828 voted, as a choice of evils, for Andrew Jackson. The manufacturers had got their bill, but from the poison infused into its vitals they had very little heart to forward the ambition of Adams for a second term, who was left in a hopeless minority. Out of 261 electoral votes, Adams received but eighty-three. The Crawford men gave Virginia and Georgia to Jackson, and

there as elsewhere severely rebuked the indiscretion of Adams.

But they had only jumped from the frying pan into the fire. The administration of Jackson proved as one-sided as that of Adams. Jackson, while putting a stop to the speculation in roads and canals, approved all the river and harbor bills submitted to him, and on the tariff, while declaring himself for revenue, with incidental protection to the "best interests of the country, including agriculture, commerce and manufactures," he made no serious attempt till the end of his term to modify the Tariff of Abominations.

In the interim, the indignation of the South rose to great heights. During the session of 1827-28, while the Tariff of Abominations was before Congress, Virginia by resolutions of her Legislature expressed her solemn objections to the constitutionality of laws passed in the interest of protection, and at the session of 1828-9 the Legislature passed resolutions affirming the doctrines of 1798-9, that the Union was a compact between sovereign states, and that as such each state had the right to construe the compact for itself. She declared her unalterable attachment to the Union, but insisted that the tariff ought to be repealed. All the other southern states adopted similar action. But no attention was paid by the North to these complaints.

In 1830 a bill was passed by Congress making the custom house appraisal more rigorous and effective, and the same year George McDuffie, of South Carolina, made an ineffectual effort to reduce all duties on woolens and cottons to about the rates of the tariff of 1820. The patience of the South was phenomenal, and only South Carolina took action, but unfortunately adopted a policy which appeared to the other states as illogical and irrational. This policy was nullification, which the eloquent Hayne advanced in 1830 in his celebrated debate with Webster. This, together with the approaching presidential election, rendered the succeeding session of 1831-32 one of much interest.

Not long before Congress came together the National Republicans met at Baltimore and nominated Henry Clay on a strong bank and tariff platform. At a conference of his supporters he proposed to reduce the revenue taxes on tea, coffee and wine and such other articles as did not enter into competition with articles produced in this country. His object was not to relieve the South, but to decrease the revenue so as to prevent Jackson from paying off the national debt during his term of office. On January 10, 1832, Clay proposed a resolution in the Senate to this effect.

This resolution was debated and finally referred to the Committee on Manufactures, who in a few days after, reported a measure in accordance with its provisions. This, however, was soon laid on the table, and a bill from the House of Representatives prepared by Mr. John Quincy Adams, "in perfect concert," as he said,<sup>2</sup> "with the administration," finally passed both houses July 14, 1832. This bill proceeded, on the principle of Mr. Clay's resolution, and abolished many of the revenue taxes, thus exempting the manufacturing portion of the community from almost all the burdens of taxation. The duties remained at high protective rates on the protected articles and the revision left the tariff a greater curse than it was before.

The disgust of the southerners at the unconscionable conduct of the majority in Congress was deep. They were told in so many words that their property and their lives and even the Union itself were nothing as compared with the profits of the northern manufacturers. Things were coming to a crisis which might have ended in the peaceable dissolution of an impossible Union, when South Carolina shifted the issue by taking action along the line of nullification, which revolted the notions of the other southern states. The doctrine of nullification set South Carolina apart to herself, and while her sister southern states denounced the tariff they refused to admit the logic of her political philosophy. The tariff men

<sup>2</sup>*Niles Register*, LXIII, p. 172.

gladly hid the true nature of the controversy under the seemingly patriotic demand that the laws enacted by Congress should be maintained.

After the passage of the tariff bill the governor of South Carolina issued his proclamation, convening the Legislature for the 22nd of October, 1832—a month in advance of the regular meeting. The Legislature assembled, and on October 25, ordered a convention for the 19th of November. Pursuant to this, the Convention met and adopted an ordinance that the acts of Congress relating to the tariff should be null and void within the state after the 1st of February, 1833. The Legislature of South Carolina met directly after the adjournment of the convention, November 27, 1832, and passed laws providing for the prospective enforcement of the ordinance within the state.

About this time the presidential election occurred. Virginia and the Crawford men in the state cast their vote for Andrew Jackson, who on some questions had favored states rights. South Carolina voted for John Floyd, governor of Virginia, who in a message to the Legislature took strong ground against the coercion of South Carolina. The National Republicans voted for Henry Clay. Jackson was elected by an overwhelming vote.

Senator Littleton Waller Tazewell resigned and on December 10, W. C. Rives was elected as senator to fill the vacancy caused by Mr. Tazewell's resignation.

Simultaneously with Rives' election appeared Jackson's proclamation of December 10, 1832, denouncing both nullification and secession and pronouncing the people of the United States a people in the aggregate—in other words a consolidation. The paper was written by Edward Livingston, a Jackson Democrat of ultra Federal ideas, an advocate of the tariff of 1828, and the defender of Jackson for his unconstitutional act in appointing a minister to Turkey in 1831, before any such mission was created or authorized by Congress. The whole states rights party were on the instant hurled off from

the administration, and forced into sympathy with South Carolina. The old duality once more appeared, and on January 21, 1833, a bill giving Jackson powers to use the army and navy to enforce the tariff law was reported to the Senate, and became the subject of a long and exciting debate.

The Union sympathy which had grown in Virginia since the Missouri question was in strong evidence, however, and it tried to settle the dispute with South Carolina by compromise. The Legislature of Virginia sought to intervene, and on January 26, 1833, instructed her senators, Rives and Tyler, to support a compromise policy, and Benjamin Watkins Leigh was appointed a commissioner to proceed to South Carolina, with a view of persuading her to suspend her ordinance of nullification.

This attempt at intervention was successful in both directions. John Tyler, who on January 30, 1833, was reelected to the Senate over James McDowell, a follower of Jackson, persuaded Henry Clay to offer on February 12, 1833, a bill, essentially repealing the tariff of 1832, and drafted in accordance with Tyler's suggestions;<sup>3</sup> and Mr. Leigh's appointment as commissioner to South Carolina was promptly followed by a suspension of the nullification ordinance, whose operation was set for the first of February, 1833. Mr. Leigh's arrival in Columbia on February 3, had still further confirmed the people of South Carolina in this pacific policy.

The new tariff, called "the Compromise Tariff," was based on the principle of a gradual reduction of the rates. As reported by Clay to the Senate, it provided for biennial reductions of one-tenth on all duties over 20 per cent until the 31st of December, 1841, when one-half of the residue was to be deducted, and after the 30th of June, 1842, the duties on all goods were to be reduced to 20 per cent, to be paid in cash at the home valuation, and levied with a view to "an economical administration of the government."

The Force bill and the Compromise Tariff—the sword and

<sup>3</sup>See Mr. Tyler's letter to John Floyd in *William and Mary Quarterly Magazine*, XXI, 8-10, and *Letters and Times of the Tylers*, I, 459-460, 466-467.

the olive branch, the vulture and the dove—confronted one another in the Senate until the 20th of February, when the Force bill was passed by a vote of 32 to 1. The vote of Virginia was divided—William C. Rives voting for it and John Tyler voting against it. In the House on March 1st the Force bill was passed by 149 to 47. It should be observed that in the vote in the Senate all the opposition southern senators, save John Tyler, withdrew from their seats, and, for various reasons of policy, did not vote. There were some senators, doubtless, who voted for the bill, because they considered its teeth had been drawn by the Compromise Tariff bill then pending. This feeling would have governed Mr. Clay in voting for the bill, but he was not present.\*

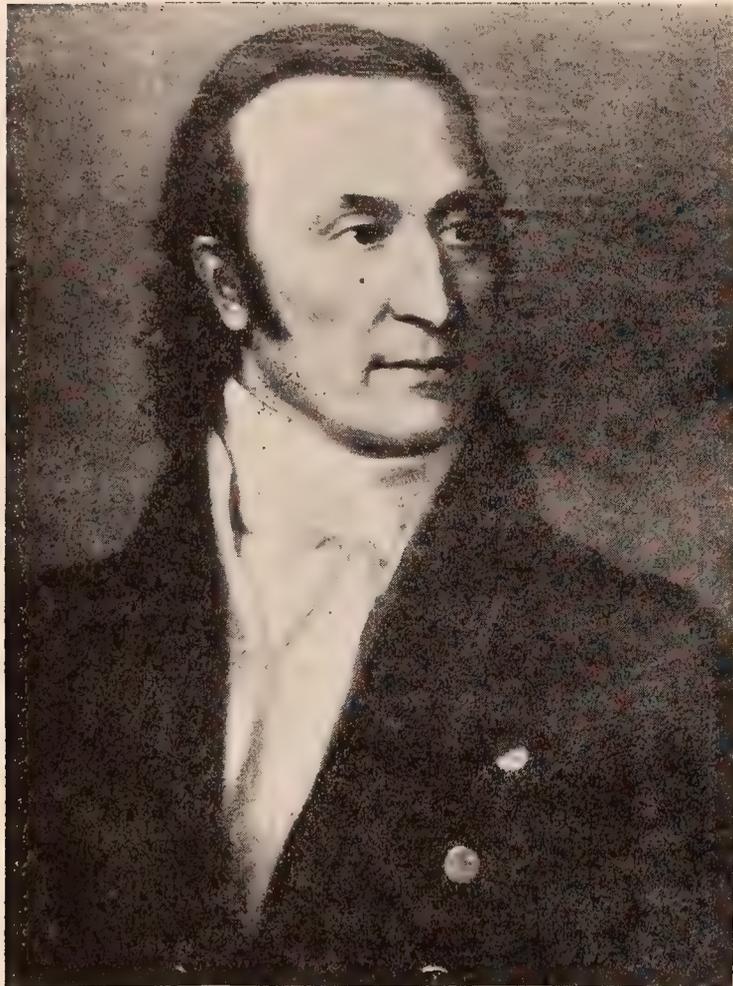
On the other hand, the Compromise Tariff, which Mr. Clay proposed in the Senate February 12, 1833, was offered by his friend, Mr. Letcher, in the House on February 25. It passed that House the next day by 119 votes to 85, and was sent to the Senate, where it passed on March 1, the same day as the Force bill passed the House, by twenty-nine to sixteen.

When the South Carolina convention met again on March 11, the ordinance nullifying the tariff measure was repealed, but the convention passed another act nullifying the Force bill.

Thus the Union was saved by the intervention of Virginia, for civil war, with very certain consequences, would have resulted, had the tariff continued unchanged. As a matter of fact the South was far more solid at this time than its vote in Congress seemed to indicate. On December 19, 1832, Governor John Floyd gave notice in a special message to the Legislature that he would not allow any Federal troops to pass through Virginia, and wrote in his Diary<sup>4</sup> as follows: "I understand this morning that when my message was received in the city of Washington the friends of the President were with him almost all night consulting upon the propriety of retracing his steps, but as yet his personal hatred

\**Letters and Times of the Tylers*, III, p. 76.

<sup>4</sup>Ambler, *Life and Diary of John Floyd*, p. 204.



JOHN FLOYD

to Calhoun induces him to insist upon using the sword to enforce his doctrine of treason. If so, there is no Government or Constitution but his will, and that proclamation. If he uses force, I will oppose him with a military force. I nor my country will not be enslaved without a struggle." Whatever the difference of opinion in the South, there is hardly any doubt that the shedding of blood would have consolidated its resistance as it did in 1861. The excitement over this incident had scarcely subsided, when Jackson kindled another flame by his removal of the Federal deposits from the United States Bank. Mr. Clay in the Senate offered a resolution of censure and the Virginia Legislature instructed its senators to vote for it. Mr. Rives refused to obey and resigned, and was succeeded by Benjamin Watkins Leigh. Mr. Tyler, his colleague, worked enthusiastically with Mr. Webster and Mr. Calhoun in the Senate for the resolution, and it was adopted.

Then commenced the movement begun by Thomas H. Benton to instruct senators to repeal the censure. Virginia underwent another change in opinion, and the senators from Virginia were instructed by the new Legislature, Jacksonian in sentiment on this issue, to vote for the expunging of the censure. Many senators resigned rather than obey instructions, and among them was John Tyler. Mr. Leigh did not obey and held on a year longer, which made him unpopular. Mr. Tyler was succeeded by William C. Rives and Mr. Leigh by Richard E. Parker, and when the latter resigned to fill a vacancy in the Supreme Court of the state, he was succeeded in the Senate by William H. Roane (son of Judge Spencer Roane), who served from September 4, 1837, to March 3, 1841.

Jackson's administration terminated March 3, 1837, when he was succeeded as president by Martin Van Buren, of New York. He came in just in time to face the financial storm which attacked the business of the country, occasioned by the reckless management of President Jackson. Grain and coal reached high prices in the fall of 1836 and a great flour riot occurred in City Hall Park in New York in the month of

February, 1837. Things were in a chaotic state when Van Buren took charge.

President Van Buren's scheme for restoring a healthful condition of the country was the independent treasury. This plan of finance had been originated in 1834 by William F. Gordon, a representative in Congress from Virginia, but it had found no favor at the time. Its revival at this moment by Van Buren drove from the Democratic party a set of politicians who called themselves "Conservatives" and numbering as leaders N. P. Talmadge, of New York, Hugh S. Legaré, of South Carolina, and William C. Rives, of Virginia. They were in favor of a government system of deposits with state banks, under restrictions and regulations tending to the better safety of the public funds and the repression of speculation. They were the latest revolters from the Democratic party and gradually came to constitute an important element in the new Whig party which had been in process of formation since 1832.

The Whig party, in its origin, was made up of a hotchpot of opposition to the Democratic party. It was composed of the National Republican party which had been made up in 1828 of the followers of Henry Clay and John Quincy Adams, and of those Democrats who had left the Democratic party because of its nationalistic attitude under Jackson and Van Buren. These consisted in Virginia of the states rights men, like Abel P. Upshur and Nathaniel Beverley Tucker, who sympathized with South Carolina in the doctrine of nullification and left the party in 1832, then the Democrats, like Senators Tazewell and Tyler, who did not approve of nullification but who condemned even more the doctrine of consolidation in President Jackson's proclamation against South Carolina, and left the party in 1833, then the Democrats, like Henry A. Wise, who left the party in 1834 because they disapproved of Jackson's action in removing the Government deposits from the Bank of United States, then the Democrats who condemned Benton's expunging resolution in 1835, and followed

the lead of Judge Hugh Lawson White, of Tennessee, and finally the "Conservatives," just mentioned, who shied at Van Buren's independent treasury. The generic appellation of "Whig" embraced all the heterogeneous elements thus united, and their real single bond of union was opposition to Jackson and the Jacksonian Democracy.

In the election of 1836 the union of these elements was not complete and no common candidate could be agreed upon by the Whigs. William Henry Harrison was the favorite candidate of the National Republican Whigs of the North, and Hugh L. White, of Tennessee, was the favorite of the states rights Whigs of the South, but the Massachusetts Whigs voted for Daniel Webster and the South Carolina Whigs voted for Willie P. Mangum. John Tyler was placed upon the White ticket for vice president, and in several states upon the Harrison ticket as well, but most of the northern states supported Francis Granger of New York for vice president. Under these circumstances the Democrats had an easy victory, and no one of Whig candidates for either president or vice-president was elected.

Suggestive of the halting consolidation of the Whig party through a number of years was the hot contest in 1838 between John Tyler and William C. Rives in Virginia for the Senate of the United States. The former received on the first ballot the full strength of the Whig party in the Virginia Legislature, but the Conservatives, who still held aloof, voted for Mr. Rives, and prevented Tyler's election. An intrigue set on foot by Mr. Clay, by which the bulk of the Whig vote went over to Mr. Rives, was defeated by Mr. Tyler's personal friends, who were indignant at what they termed his betrayal by Mr. Clay, and the Legislature adjourned without any election at this time.

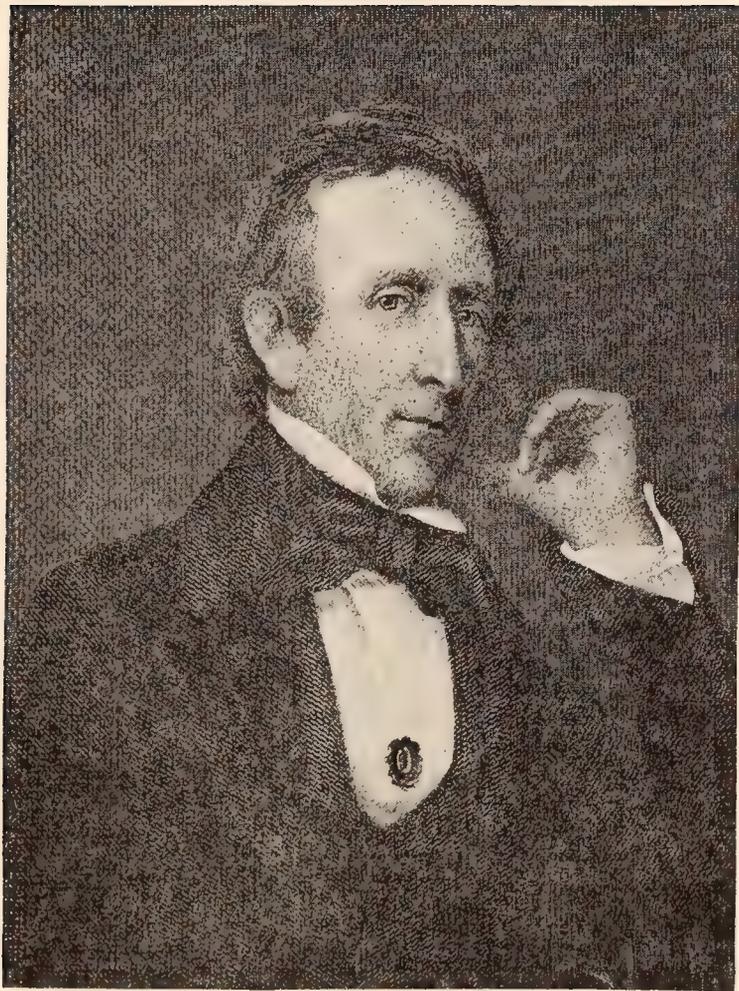
Before it could reassemble, the great Whig national convention met at Harrisburg, Pennsylvania, December 4, 1839, and nominated the Whig party's first successful ticket, Harrison and Tyler, which was elected the following year. The

Legislature of Virginia convened in 1840, and Mr. Tyler being out of the way, Mr. Rives was elected Senator, without further difficulty. Soon after in a letter, called his "Castle Hill" letter, he made clear his opposition to the Democrats, and his condemnation of the old National Republican measures of bank, tariff and internal improvements.

During the presidential campaign of 1840 the course of the Whig orators in the North was to talk loudly of "reform" and to say nothing of the old National Republican measures of bank, tariff and internal improvements. In the South, where the Whig constituencies were largely old Crawford men and practically all for states rights, they were strong in their professions against these measures. And Mr. Clay's position was that all the old issues had become "obsolete" in the presence of the federalism of the Jackson-Van Buren Democracy. In Virginia, where the Whigs were chiefly Crawford men, General Harrison was defended in the address of the Whig state convention, written by James Lyons, of Richmond, as an opponent of bank, tariff and internal improvements. Indeed, in a speech in the United States Senate, made in September, 1841, Mr. Buchanan declared<sup>5</sup> that "during the whole election campaign of 1840 he never saw one single resolution in favor of a national bank which had been passed by any Whig meeting in any part of the country."

William Henry Harrison was President one month, and the Vice President John Tyler, whose succession was expected and predicted by many, became President April 4th. He was the last of the Virginia Presidents, and came into unfortunate collision with his party dominated by Mr. Clay and the National Republicans of the North. They attempted to revive the American system, which had been abandoned in the canvass, and naturally met the opposition of President Tyler. Nevertheless the administration pursued the lines of policy set out by the "Virginia Dynasty," and without a party in either house of Congress was remarkably successful in push-

<sup>5</sup>Buchanan's speech, *Cong. Globe*, Appendix to Vol. X, 343.



John Tyler

ing through its measures. Like the administrations of Jefferson, Madison and Monroe, it stood for essential principles, which were as follows:

1. First of all, it stood for *Democracy*. The headquarters of the National Republican portion of the Whig party was New England, and that country had not yet fully dispossessed itself of autocratic views inherited from Colonial times. In Virginia no white man was a servant, and in all public and legal matters all white men stood on a plane of perfect equality, entitled to all the guaranties of freedom. The Whig principle of Democracy found expression in many of President Tyler's official statements. Thus he wrote in his fourth annual message: "The guaranty of religious freedom, of the freedom of the press, of the liberty of speech, of the trial by jury, of the *habeas corpus*, and of the domestic institutions in each of the states, leaving the private citizen in the exercise of the high and ennobling attitudes of his nature and to each state the privilege (which can only be judiciously exerted by itself) of consulting the means best calculated to advance its own happiness—these are the great and important guaranties of the Constitution, which the lovers of liberty must cherish and the advocates of Union must ever cultivate."

His democracy was, however, not the unlicensed rule of the masses, as apparently defined in what was known as the Jackson-Van Buren democracy. It was a democracy of law, and found its application, under the Constitution, to Dorr's Rebellion in Rhode Island, which occurred in 1842. While sympathizing largely with the complaints against the narrow rule of suffrage which prevailed in that state, Tyler took his stand on the side of the constituted authorities as against the mob followers of Thomas W. Dorr, with the result that while the peace of the state was preserved, most of the ancient disabilities were removed. Two years later Webster wrote to Tyler a letter commenting upon these matters and described his management of the Rhode Island business as "worthy of all praise."<sup>6</sup>

<sup>6</sup>*Letters and Times of the Tylers*, II, 199.

2. Next it stood for *Expatriation* and for Protection of the Flag to everything on board ship. President Tyler encouraged emigration from Europe and immigration to the unsettled areas of the West, which in the course of a few years began to blossom as a rose. In the case of the *Creole* there was found an application of the immunity of merchant vessels as a part of the territory to which they belonged. The *Creole* was a merchant vessel which was carried by mutinous slaves into the port of Nassau, and their escape there was encouraged by the English authorities. In the negotiations with Lord Ashburton in 1842 the President insisted that the law of England, which prohibited slavery, did not apply where a ship was driven by "violence" into one of its ports.<sup>7</sup> This was accepted by both Daniel Webster, the secretary of state, and Lord Ashburton and recognized in their correspondence with one another, and the slaves who escaped from the *Creole* were afterwards paid for by the British government under the convention of 1853 for the settlement of all outstanding claims.

In the same correspondence the subject of impressment was taken up and discussed. The president brought the subject to the attention of the negotiators, and in Webster's letter he put the exemption of our naturalized citizens from such irritating duress strongly on the ground that foreign nations justified expatriation by encouraging emigrant ships and granting passports.<sup>8</sup> As a final disposition of the matter Webster announced the stand which would be hereafter maintained by this nation that "in every regular documented American merchant vessel the crew who navigated it will find their protection in the flag which is over them."

3. Next this administration, like the Virginia Dynasty, stood for *Annexation*. Territorial questions absorbed the attention of the President from the beginning. The far-reach-

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<sup>7</sup>*Ibid.*, II, 221-224.

<sup>8</sup>*Letters and Times of the Tylers*, II, 224-225, note 1; *William and Mary College Quarterly*, XXV, 1-8; *Tyler's Quarterly*, III, 256-257.

ing diplomacy of Great Britain threatened the United States on every side. She had entrenched herself in China, her fleet scoured the Pacific Ocean, and while on the north she held the whole line from Maine to Oregon in dispute, on the south and west she was busily intriguing with Texas and Mexico to acquire the domination of that boundless unsettled country which stretched from the Mississippi River to the Pacific. But the United States, under this Virginia administration, triumphantly overreached the shrewd diplomats and intriguers of Great Britain.

The first victory was obtained by the signing of the treaty of Washington in August, 1842. Of this treaty, Mr. Webster, the secretary of state, himself said that "it proceeded from step to step and from day to day under the President's own immediate supervision and direction" and that "the President took upon himself the responsibility of what it contained and what it omitted." This treaty, signed on the ninth of August, 1842, settled definitely the question of boundary as far as the Rocky Mountains between the United States and Canada—a settlement which had been vainly essayed from the beginning of the Government.

Proceeding next to check British activities in the Pacific, President Tyler, in December, 1842, asserted the Monroe Doctrine as to the Hawaiian Islands and sent a consul to represent this Government there. This action was taken just in time, for not long after the British commander in the Pacific took possession of these Islands in the name of his government. President Tyler, through his secretary of state, Hugh S. Legaré, entered a formal protest, and the occupation was disavowed by the authorities in England, and the independence of the Islands, under the virtual protectorship of the United States, formally guaranteed. The wisdom of his action was admitted by all his successors, and led the way to ultimate acquisition under President McKinley.

For the settlement of all outstanding territorial questions, the President's next move was to propose a tripartite treaty

with Great Britain and Mexico.<sup>9</sup> By this measure Mexico was to recognize the independence of Texas, with which she was carrying on a fruitless war, Great Britain was to get the line of the Columbia River for the boundary of Oregon, and the United States was to get California and all the West down to the line of 36 degrees. Lord Ashburton, representing England, and Almonte, representing Mexico, thought favorably of the proposition and it was in the contemplation of the President to send Mr. Webster to England to put the treaty in shape; but the failure of Congress to appropriate money for the purpose led to a postponement, and political developments speedily brought Texas to the front for direct action in the meantime.

President Tyler ascertained in the summer of 1843 that, unless prompt action was taken, Texas, assailed by Mexico, would throw herself into the arms of Great Britain. Not deeming it prudent to wait any longer, he caused a treaty to be negotiated for the annexation, and when that treaty was rejected, "contrary to all assurances"<sup>10</sup> from senators, he appealed to the House of Representatives under the clause of the Constitution authorizing Congress to admit new states. To accentuate his purposes he announced himself a candidate for reelection to the presidency, and thus forced the Democratic party to drop Mr. Van Buren to whom the party was committed, but who was opposed to annexation, and to take up Mr. Polk, who until a few days before the Democratic convention was a candidate for the vice presidency only. The joint resolutions of Congress, thus invigorated, passed Congress, and two days before Mr. Polk came in, Mr. Tyler had approved them and sent a messenger to invite Texas into the Union.

The messenger arrived in Texas not a day too soon, for Mexico had, under the persuasion of the English and French

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<sup>9</sup>*Letters and Times of the Tylers*, II, p. 260-263, 448-449.

<sup>10</sup>See Tyler's address "The Dead of the Cabinet" in *Letters and Times of the Tylers*, Vol. II, 384-200.

consuls, already offered to recognize the independence of Texas, provided the latter would pledge herself never to be annexed to any other government. Texas rejected the Mexican proposition and accepted that of the United States, but it is very probable that, in the absence of a counter-proposition, the Mexican offer would have been accepted. Some historical writers make the mistake of saying that Texas was annexed by the Polk administration, but all that was done under Polk was done in pursuance of the joint resolutions passed under Mr. Tyler.

Had Texas failed of annexation, a great slave state would have sprung into existence on our southwestern flank, which would have probably incorporated California and the West. And to this new center the southern states would have gravitated in a short time.

President Tyler had much of the idealism of his Virginia predecessors, and he never could look upon the annexation of Texas as other than one, as he said, of "great public advantage, embracing the whole country and all its interests"—the monopoly of the cotton plant, the growth of the gulf and coastwise traffic and the extension of the national domain.\* And yet the dual nature of the Union was undoubtedly present in the controversy which raged over Texas. The South favored it as a means of lending strength to its representation in Congress, which it would have done independently of the question of slavery. The North—New England especially—opposed it because they did not wish to strengthen the rival nation. Massachusetts was willing to act the part it played on the question of annexing Louisiana. In 1844 the Massachusetts Legislature, after declaring that "uniting an independent foreign state with the United States was not among the powers delegated to the Federal Government," stated its resolve to be "to submit to undelegated powers in no body of men on earth," and in 1845 it announced the doctrine of nullification by declaring that "the admission of Texas would have no

\**Letters and Times of the Tylers*, II, 422.

binding force whatever on the people of Massachusetts." It will be noticed that this action was taken not on account of slavery, but on account of alleged unconstitutionality.

The question of Oregon was perhaps as free from all sectional influences as any that could be expected. In imitation of Jefferson, President Tyler sent John C. Frémont to explore the passes of the Rocky Mountains, and to his sensible encouragement of Elijah White and others in hastening over immigrants to the West was largely due the success of the United States in preventing Great Britain from getting possession of Oregon and the California Coast. The treaty consummated under Polk's administration, defining the northwestern boundary, had its beginning with Mr. Tyler, though he did not remain in office long enough to effect its conclusion.

4. Next the Tyler administration stood for *Economy and Peace*. It is a singular fact that this term of four years presents the solitary instance of an administration in which expenses were reduced under any previous four years. Upon Mr. Tyler's entering into office he found the Government deficient in its annual income by some \$12,000,000. When he left the Government the receipts had not only been equal to the expenditures, but an actual surplus existed of \$8,000,000. Compared with Van Buren's administration, he expended nearly \$14,000,000 less during his term of four years. So that with the surplus of \$8,000,000 there was saved and provided the grand total of \$22,000,000, being nearly an actual saving of one year's expenditure in four, the total expenditures of Mr. Van Buren being \$105,874,282.94, and those of Mr. Tyler \$91,949,647.14<sup>11</sup>

This reduction in the national expense was brought about by the vetoes of the President of lavish bills for internal improvements and by his personal supervision over all the disbursing agents of the Government and the office holders in general, whereby waste and embezzlement were prevented. Such, indeed, was the honesty of this last Virginia adminis-

<sup>11</sup>*Letters and Times of the Tylers*, II, 373-374, 377.

tration that only \$15 was lost to the Government in any of the departments—this occurring in the Post Office Department, whose receipts nevertheless were once more brought to cover the cost of its administration.

This close watch maintained on the expenses relieved Mr. Tyler of the necessity of following the course of Mr. Jefferson in reducing the army and navy. Efficiency was maintained in both, and even additional strength imparted. The army was used to suppress the Florida Indians, and the fortifications at New York and Old Point, in view of any possible trouble with Great Britain, were immensely strengthened with men and guns.

As to the navy, the addition was made of two new squadrons, the Home Squadron and the African Squadron, the former to protect our interests near our own shores, as the name suggested, and the latter to be used on the coast of Africa, in accordance with President Tyler's own suggestion in the treaty of Washington, to suppress the slave trade.<sup>12</sup> Nor is it to be forgotten that to this administration is owing the National Observatory, first instituted as the Depot for Nautical Charts, under the celebrated Virginia scientist Matthew Fontaine Maury.

The Whigs repealed the Independent Treasury passed under Mr. Van Buren, and President Tyler vetoed the bills for creating a new national bank, which they forced upon him contrary to their professions in the presidential canvass preceding. In defeating this gigantic monopoly, Carl Schurz has declared<sup>13</sup> that Tyler rendered his country "a valuable service." In lieu thereof he recommended a system of finance known as "the Exchequer," which Webster endorsed as only *second* in value to the Constitution itself.<sup>14</sup> In its character as a government measure, with a board of control under the

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<sup>12</sup>*Letters and Times of the Tylers*, II, 237-242; *William and Mary College Quarterly*, XXV, 1-8.

<sup>13</sup>Schurz *Henry Clay* II, 209, American Statesmen Series.

<sup>14</sup>In his Faneuil Hall Speech, Sept. 30, 1842.

supervision of the Treasury Department and in its provisions to issue government notes and receive deposits it was a prototype of the present Federal Reserve System. This being rejected by Congress for mere political reasons, President Tyler kept the government money in what was practically his own keeping, during the rest of his administration, without any other guide than the law of 1789 establishing the Treasury Department, and the resolution of 1816. This revenue was deposited in carefully selected banks and secured by government stock, and the government lost not one cent. Stimulated by the tariff of 1842 affairs took a change for the better all around in 1843. The currency of "shinplasters" was replaced by one of gold and silver and treasury notes at par, and state stocks which had been as low as thirty cents rose to a premium. Exchanges which had been as high as 20 cents became little more than what was required to convey specie from place to place, and the credit of the Government never rose to a higher point than it did towards the close of the administration.

After the same order of simplicity and economy was the course of the administration in reference to the offices. By the repeal effected by Jefferson of many laws made by the Federalists, the first of the Virginia Dynasty got rid of numerous offices and officeholders, and similarly, by his vetoes of the bank bills, tariff bills and bills for internal improvements, which he deemed unconstitutional, Tyler relieved the government of the occasion of creating quite as many unnecessary stipendiaries. As a strict constructionist, Tyler was a natural enemy of "the Spoils System," which, begun by the Federalists from the moment of their ascendancy and repressed by the Virginia Dynasty, had been revived by the Federalistic administrations of John Quincy Adams, Andrew Jackson and Martin Van Buren. Tyler would appoint no editors to office at any time, and his administration is singularly free from the charge of nepotism. He resorted to

removals only in case of violent partisans, who neglected their duties.<sup>15</sup>

In strict pursuance of the Jeffersonian doctrine that a national debt was a national evil, Tyler threw himself in the breach when, in constructing the tariff bills, the Whigs in Congress in 1842 proceeded to give away to the states the proceeds of the sales of the public lands, when the government itself was in need of all the money it could lay its hands upon. Mr. Webster paid him the tribute of saying<sup>16</sup> that "in all things respecting the expenditures of the public moneys, Tyler was remarkably cautious, exact and particular."

5. Tyler's administration stood for the *Monroe Doctrine*—a real Virginia doctrine. We have seen his action on this question in the case of the Hawaiian Islands. His language in his special message of December 30, 1842, after reciting the importance of these islands in a commercial aspect and their proximity to this continent, was as follows: "Considering, therefore, that the United States possess so large a share of the intercourse with those islands, it is deemed not unfit to make the declaration that their government seeks, nevertheless, no peculiar advantages, no exclusive control over the Hawaiian government, but is content with its independent existence and anxiously wishes for its security and prosperity. Its forbearance in this respect under the circumstances of the very large intercourse of their citizens with the islands would justify this Government, should circumstances hereafter arrive to require it, in making a decided remonstrance against the adoption of an opposite policy by any other power." His action as to Texas was even in a higher degree an assertion of the Monroe Doctrine against the intrigues and ambitions of France and England.

6. Finally, this administration stood, like the Virginia Dynasty, for the doctrine of a Union considered as a *Partner-*

<sup>15</sup>*Letters and Times of the Tylers*, II, 311-313; III, 185-192; Tyler, *Parties and Patronage in the United States*.

<sup>16</sup>Curtis, *Life of Daniel Webster*, II, p. 275.

*ship* of free, independent and sovereign states. But like the other Virginia Presidents, while clearly recognizing the difference between the sections, Tyler never could reconcile himself to the idea, till after the Peace Convention in 1861, that the peaceable continuance of this Union was impracticable. In the observance of states rights by which the local affairs were to be left alone by the National Government, he loved, like other states rights men, to think that he had found a solution. Under this favorite delusion he failed to realize that a majority which has the power is not apt to restrain itself in the gratification of its ambitions.

It is in the profound recognition of this creed of Tyler that the key to his political history is to be found. His attitude was never a change of position, but a natural alignment with parties as they successively developed during his life. So in the matter of the bank vetoes the question with him was one not merely of bank or no bank, but of the old one of centralization of power in Congress and of states rights, of a consolidated nation like the present and a confederated republic, where the government had strictly limited powers.<sup>17</sup>

And yet within the strict lines of the Constitution, none of the Presidents was more determined in exerting the just prerogatives of the government over which he presided. He set a fortunate precedent which has been followed to this day in taking the stand that as Vice President he succeeded on the death of the incumbent to both the duties and office of President, and this not by "chance" or "accident," as his enemies later claimed, but by virtue of the Constitution and election. And in another matter he was not less determined, namely in the right of the admission of states like Texas by Congress. The constitutionality of this, though denied at the time, for a purpose, by northern statesmen, was fully accepted by President McKinley and the Senate in 1898, when the Hawaiian Islands were annexed under the same provision of the Constitution. Nor was he less positive, when in 1842 the

<sup>17</sup>Armistead C. Gordon, *An Address on John Tyler*, October 12, 1915.

House of Representatives required the President to communicate to that body the names of such of the members of Congress as had been applicants for public office, with the papers relating thereto. He refused to comply, taking the ground that such applications were under the executive control and the papers necessarily confidential. In after days a similar position was taken by President Cleveland in respect to a resolution of Congress.

So much for the purposes and objects of this Virginia administration.

War with Mexico followed the annexation of Texas, but the one had no direct connection with the other. While Mexico withdrew her ambassador from Washington, she did not proceed to hostilities till a year after the measure of annexation, and then war ensued by what appears to have been a singular lack of tact on the part of Mr. Polk rather than any intention on his part to involve the country in war, despite the opinion to the contrary of the great mass of northern writers, who picture a conspirator in every slave owner. Mention has been made of the Tripartite Treaty, which, though never actually formulated, occupied a good deal of the attention of President Tyler in 1842.

It received the support of Daniel Webster, the Secretary of State, and was not displeasing to either the British minister, Lord Ashburton, or the Mexican minister, Gen. N. Almonte. Mexico, Great Britain and the United States were to enter into a treaty by which the Rio Grande was to be recognized as the boundary of Texas and the line of the Columbia River was to be accorded Great Britain as the boundary of Oregon and the United States was to have California and New Mexico as far south as the 36th degree.<sup>18</sup>

Had this treaty been actually negotiated the United States would have lost the State of Washington, but in return would have gained California and New Mexico and avoided war and the slavery convulsions. But it was not consummated, and

<sup>18</sup>*Letters and Times of the Tylers*, II, 260-261; 448-449.

the government under Tyler looked steadily to the settlement of the Oregon boundary by the 49th parallel, which was finally accomplished by President Polk, but not till his unwise diplomacy had gotten him into the jaws of war with Great Britain, from which he was glad enough to be released by the intervention of the Senate.

## CHAPTER IV

### NATIONAL POLITICS IN VIRGINIA, 1845-1860

The hope, however, of acquiring California and New Mexico was increased rather than diminished by the action taken after 1842 for the immediate annexation of Texas. So no opportunity was missed by Tyler, and when the Annexation Treaty was signed in 1844 the boundary line with Mexico was "purposely" left open, and Mexico informed of the readiness of this country to adjust this and any other questions that might grow out of the treaty on most liberal terms. This treaty was rejected by the Senate, but the more successful joint resolutions afterwards adopted in 1845 had an express reservation for the adjustment of the Mexican boundary by this government.

Now before Polk came in, Santa Anna was at the head of the party in Mexico inimical to the United States, and Herrera and Arista were leaders patriotically desirous of cultivating friendly relations and of relieving themselves of California and New Mexico, occupied chiefly by wild Indians who raided the Mexican settlements. Mr. Polk was inaugurated, and almost simultaneously Santa Anna was deposed and banished. Herrera became president of Mexico, with General Arista and other peace men in his cabinet. As soon as installed Herrera sent J. D. Marks, for a long time United States consul at Matamoras, an intimate friend and compadre of Arista, to Washington to make known to the Polk administration their desire to settle all questions, including that of boundaries, peaceably by treaty, as had been suggested by the Tyler administration, and their willingness to cede New Mexico and California.<sup>1</sup>

<sup>1</sup>*Ibid*, III, 175, *Letter of Ben E. Green*.

Polk was given to understand that, while the Herrera Administration would receive an extraordinary commission of "two or more persons" for the discussion and settlement of outstanding difficulties, they could not venture to receive any minister committing them prematurely to a recognition of the old friendly relations.

For some reason the request for an extraordinary commission was refused, and it was decided to send John Slidell as minister plenipotentiary to Mexico, and instead of taking all means to avoid a clash with Mexican troops, the army under Taylor, which was posted on the Nueces, was ordered about the same time to take up their post on the Rio Grande, where the clash deprecated speedily occurred. The right to the north shore of the Rio Grande which Texas maintained with obvious certainty was altogether a different question from the expediency of Polk's measures. Herrera was not able to maintain himself in the presidency and Paredes assumed the office, followed by Santa Anna, and hostilities thus inaugurated grew into a war which lasted two years, during which the United States acquired by force what by tactful handling they might have acquired by consent—the extension of our territory by the Rio Grande and along a line therefrom to the Pacific Ocean, including California and New Mexico.

But the worst blunder of all made by Polk was in not incorporating a provision in the Treaty of Guadeloupe Hidalgo extending the Missouri line through the new territory acquired as the result of the war. His failure to do so lay at the bottom of the agitation on slavery, which was the occasion of secession in 1861. Indeed it was the opinion of the venerable Albert Gallatin, who was not at all friendly to annexation that "had the government at this time remained in the hands with which the plan originated, war might probably have been avoided."

In the war, which if censurable from the standpoint of expediency, had justice on its side,<sup>2</sup> the South furnished

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<sup>2</sup>Owen, *Justice of the Mexican War*; Justice H. Smith, *the Annexation of Texas*.

45,630 volunteers and the great North only 23,054.<sup>3</sup> Virginia called out three regiments, but only one was taken by the Federal Government. One was furnished by Massachusetts, but none went from Maine, New Hampshire, Vermont, Connecticut or Rhode Island. It is an interesting fact that at one time the two regiments from Virginia and Massachusetts were united under the command of Caleb Cushing, of Massachusetts, a friend and strong supporter of Tyler's Virginia administration. It was Caleb Cushing who raised the Massachusetts regiment, and when the Legislature of that State denounced the war, and refused to vote money to defray the expenses of the soldiers, he contributed the funds out of his own means. Both of the two great heroes of the war, Zachary Taylor and Winfield Scott were born in Virginia, and came of families long resident in that state, and the roll of inferior officers in the armies were bright with Virginia names—Robert E. Lee, Joseph E. Johnston, Dabney H. Maury, William B. Taliaferro, etc.

Conspicuous among the men of Virginia, who residing at home wielded a great influence upon national politics were John Hampden Pleasants, editor of the Richmond Whig, and Thomas Ritchie, editor of the Richmond Enquirer. The latter especially was prominent in helping on the cause of annexation. Like other Democrats in Virginia, he was committed to Van Buren as the presidential candidate in 1843 of the Democratic party, but when Tyler precipitated upon the country the question of Texas, Ritchie, with that great facility for turning his coat which made him a master politician, procured the release of the Virginia delegates to the Democratic Convention in 1844 from their instructions to vote for Van Buren, who would not declare himself for Texas. Polk, who was nominated in place of Van Buren, recognized the favor by having Ritchie appointed editor of the Washington Union, the new national organ of the Democratic party, established at Washington in the place of the Globe, whose editor, Frank P. Blair, had supported Polk in a very lukewarm manner.

<sup>3</sup>Richmond Dispatch, February 2, 1861, Citing Executive Doc. No. 62, Congress, 1859-60.

Slavery agitation began with a motion proposed in 1846 in the House of Representatives by David Wilmot, which had for its object the exclusion of slavery from all the territory to be acquired from Mexico. This motion passed the House, and only the equal vote possessed by the South in the Senate prevented its adoption in that body. The motion was renewed at the next session in 1847, and it met the same fate. It received the approval of the House, and was rejected by the Senate. After the treaty of peace with Mexico, in February, 1848, Northern speakers took the ground that all the country acquired from Mexico was free territory by the local law of Mexico, seeming to forget that in 1820 they had belittled the objection then argued that Missouri was slave territory by the local law of Louisiana. Hopeless as the contradictions appear to us now, the majority of the Southerners could not reconcile themselves to radical action, though radical action was contemplated as a possible result in the future.

Other questions relating to slavery entered into the discussion, all tending to show the lack of any harmony in the Union. One was the question of slavery in the District of Columbia, and another the extradition of runaway slaves. On these questions, as on others, the old resort was had of compromise, involving only a postponement of the fatal hour.

During this period the South being the inferior power considered itself attacked, and met aggression with aggression, as was natural. The Virginia Legislature voted for determined resistance in case of the passage of the Wilmot Proviso, and a Southern convention met at Nashville to discuss the question of separation, but there was nothing final about either.

The discovery of gold in 1849 brought California to the front, seeking admission as a state. Thousands of emigrants poured in from the East, and, without waiting for an act of Congress creating a territorial government or for authority to call a convention for the purpose, the settlers formed a state constitution inhibiting slavery, and applied for admission of California to the Union. As part of the proposed

state lay below the line of the Missouri Compromise, its application was resisted by Southern congressmen, who argued that the old Missouri line had only been accepted by the South as an adjustment of the whole territorial question and was not confined to the territory obtained from France, but a motion of Senator Douglas to extend the line through the newly acquired territory was voted down.

Things seemed to be coming to a crisis, when extremities were once more avoided by another of those compromises for which Mr. Clay became famous. By a measure known as "the Compromise of 1850," the slave trade was abolished in the District of Columbia, a new and more stringent act for the rendition of fugitive slaves was enacted, California was admitted as a state, and the principle of non-intervention was adopted as to Utah and New Mexico. As a matter of fact, the North gained everything by this so called compromise, Utah and New Mexico were wholly unfit for slave labor, and Personal Liberty Acts nullified the fugitive slave provision. The only thing that enured to the advantage of the South was saving the point of honor, viz. the avoidance of a surrender of the principle of the South's right to a share in the public territory.

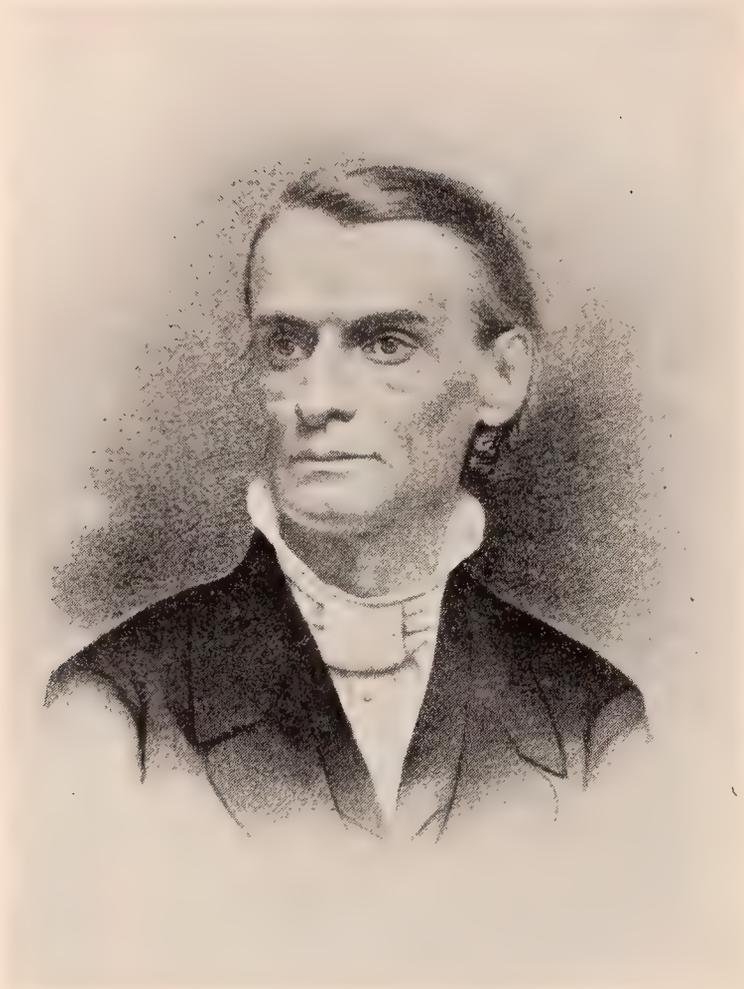
The Compromise of 1850 brought quiet for a short time, but the agitation was revived in a most unexpected way four years later. In 1854 certain portions of the old Louisiana domain lying north of  $36^{\circ} 30'$ , known as Kansas and Nebraska, petitioned for organization as territories, and in response Mr. Douglas, of Illinois, reported a bill, which he tried to make in complete accord with the language as to Utah and New Mexico in the Compromise of 1850. Had there been no agitation against it, both territories would have shortly entered the Union as free states, but it became the signal of violent convulsions, and 3,000 ministers signed a protest against what they chose to pronounce a violation of the Missouri Compromise. Thus the consequence was a dreadful contest between the Free soil power and the Southern states for the

possession of the southernmost of the territories, Kansas. A territory which would have peacefully entered the Union as a free state became the field of slave immigration precisely because of Free soil aggression.

In the meantime another element of disorder was added to the general confusion. As a result of Mr. Douglas' action, both the Whig and Democratic parties were rent in twain, and a secret oath-bound party, called the American party, was formed in the North on the principle of dislike of Catholics and distrust of foreigners. Catholic churches were burned in the North, and, as natural, Massachusetts, who had always hated the Catholics, became the headquarters of this strange and unprincipled organization. The Know-Nothings secured the control of the State Legislature of Massachusetts, and the organization extended throughout the North and even into the Southern states, where liberal ideas on religion and emigration had long prevailed. The Know-Nothings swallowed up the Whig party in Virginia, and in March, 1855 nominated Thomas S. Flournoy for governor.

It was reserved to Virginia to break the backbone of this movement and on this issue the Democratic party, which three months before had put up Henry A. Wise as its candidate for governor, represented the real spirit of the commonwealth. Mr. Wise made a great tour of the State, and by his ability and eloquence showed to such advantage that he attracted the attention of the whole Union. The state had never seen such a flood of denunciation and satire poured out upon the purposes of a party. Mr. Wise gloriously upheld the traditions of Virginia, and maintained the doctrines of expatriation and naturalization for which Virginia had battled in 1800, and after a three months canvass the vote of the majority of the people of Virginia was given to the Democratic standard bearer. The total vote of the state was 156,668, of which Wise received 83,424 and Flournoy 73,244, being a majority of 10,180 for the former.

Throughout the Northern states the result in Virginia had



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been watched with intense interest, the Know-Nothings having elected the governors and legislatures of New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, California and Kentucky; and all eyes were turned towards the Old Dominion as the natural gateway, or "entering wedge," to the Southern states. The result of the election spread far and wide, and Wise was called upon in the City of Washington at Brown's Hotel by an immense throng of his admirers, and amid the frequent interruptions of the Know-Nothings, he declared in eloquent terms: "I have met the Black Knight with his visor down, and his shield and lance are broken."

The triumphant march of the secret order in America was thenceforward halted, for in addition to Virginia, Georgia, Alabama, Louisiana and Mississippi gave their verdict against the new movement, and Know-Nothingism, instead of successfully invading the South, received an overwhelming defeat. The tide was rolled back upon Massachusetts, and although the Know-Nothings had the boldness to put forward Millard Fillmore for the presidency in 1856, the force of the movement was spent.

The Freesoilers voted for John C. Frémont in the election, and the Virginia Democrats wanted Henry A. Wise for president, but it being soon found that Pennsylvania, who, from very early days, had voted with Virginia, would only do so now on a candidate of her own choice, James Buchanan, largely through the self-abnegation of Governor Wise, and his influence in the Democratic convention, was made the Democratic nominee.

The exciting canvass of 1856 followed the nominations, and it was fought while the battlements of the government were shaking like a reed in the wind over the troubles in Kansas. The clamor in the North roused the spirit of defiance in the South, and the planters in Missouri poured their population into Kansas, upon the first agitation. It happened, therefore, that the pro-slavery party prevailed in March, 1855, in electing a majority of the members of the Legislature as pro-

vided for in the bill organizing the Legislature. On the pretext that frauds and violences had been committed sufficient to defeat the will of the people, those who constituted the Freesoil party in the territory established at Topeka an independent government (October, 1855).

The charge of fraud had probably some foundation, but there is nothing in the nature of the controversy to suppose that the Freesoilers would have acquiesced, had no fraud existed. The war fever was on, and a kind of mania possessed the North which, while it did not always openly declare itself, winked at every obstruction thrown in the way of the fugitive slave law and the secret methods of combinations of individuals engaged in running off negroes from the plantations.

On February 19, 1856, the Territorial Legislature of Kansas passed a law taking the sense of the people of Kansas upon the expediency of electing delegates to meet on the first Monday in September for the purpose of forming a state constitution. This law was in the main fair enough, and it gave the Freesoilers an opportunity to show whether or not they were in the majority, but bent on anarchy, they would take no part in the election and allowed it to go by default. Consequently the convention that met at Lecompton for the purpose of framing a state constitution was composed of a majority of slave owners.

Soon after this the people of the United States proceeded to choose their last President of the old regime. In the South it was universally felt that the election of Frémont, the candidate of the Freesoil party, would be followed by the secession of all the Southern states. On this question there seems to have been more unity than in 1861. But Buchanan was elected over both Frémont and Fillmore, and the danger passed away.

On the 4th of March, 1857, Buchanan began his administration, and he was immediately confronted with the Kansas question. The Legislature at Lecompton, after meeting the first Monday in September, 1856, remained in session till

November 7, when they adopted a constitution permitting slavery until the people could pass upon the question. The voter was given the choice of voting for the constitution with slavery, or without slavery. Perhaps a submission of the entire constitution would have been desirable, but no one could say but that the only point in dispute was the slavery clause, and that being submitted seemed to do away with all reasonable objections. All the early precedents were against submitting the constitution framed by the Territorial Legislature, but here again the Freesoilers were given the opportunity to vote, and they would not exercise the power. On the contrary, they refused to recognize the validity of the Territorial Legislature, though the National Government had repeatedly done so, and thereby placed themselves in the attitude of rebels to the United States. In this light President Buchanan regarded them, and on the assembling of their illegal Legislature at Topeka, on June 9, 1857, for the purpose of the enactment of an entire code of laws, he sent some United States troops, and promptly dispersed them. We hear a good deal of the word "rebel" applied to Southerners who resisted the Government in 1861, but none of the Northern writers use this term as descriptive of the Topeka anti-slavery men. And yet there can be no fact more certain than this, that whatever the Southerners in 1861 were, as citizens of states held to be sovereign by many, the Topekaites as citizens of the territory under control of the government were rebels without any chance of contradiction.

Mr. Douglas, having created trouble by his Kansas-Nebraska bill, now created more trouble by giving an interpretation to the doctrine of "non-intervention" as applied to Kansas which neither North nor South would accept. Now he took ground against the Lecompton Convention, and, instead of confining the power of forbidding slavery to the time of the acceptance by Congress of a state constitution, he proceeded, in one of his speeches, to lodge the power in the people of a territory while still under territorial government.

This was ridiculed as "squatter sovereignty," and was a desperate attempt made by Douglas to straddle the fence so as to please his Northern constituency. "Squatter sovereignty" was irreconcilable with the claim of the Southern people that the planter might go into the territory with his slaves and hold that property there until the territory was prepared for admission as a state. It was also repugnant to the Republican doctrine that Congress might legislate slavery out of any territory, and it was even repugnant to common sense itself. In his debate with Douglas later on, Lincoln had the immense advantage of advocating an intelligible doctrine.

To end the story of Kansas, which has a direct connection with Virginia, as will soon be seen, Congress refused to admit the territory as a slave state under the Lecompton constitution, and a new convention was authorized to form another constitution preparatory to admission into the Union, but not till its population should amount to 93,420. In January, 1861, Kansas came into the Union as a free state. In the meantime, the Freesoilers consented to recognize the territorial government by taking part in an election held the first Monday in January, 1860. The majority of the people then voted for a governor and other state offices, for a member of Congress and members of the State Legislature. The anti-slavery party was thus placed in the ascendant, and the political power of the state fell into their hands, as would have been the case long before had they not preferred to act the part of rebels and anarchists. Indeed, had Congress admitted Kansas into the Union under the Lecompton constitution, as the slave holders wished and President Buchanan advised, the dominance of slavery in Kansas would have been only temporary at most.

In all this controversy on the slavery question, the Northern speakers acted as if the powerful North was in momentary danger of being swallowed up by the much weaker South. In one breath they talked of "the arbitrary, aggressive and oppressive power" of the South, and in the next they pro-

duced figures to show the declining power of the South under the harmful influence of slavery. With its "indefensible" institution, the South's attitude was necessarily defensive, and even Calhoun never at furthest asked any more than a balance of power to protect its social and economic fabric. It is nonsense to say that the permanent exclusion of slavery from all the National territory, which was what the North wanted at this time, was not a more aggressive principle than the temporary existence of slavery during the formative period of a new state. What the South really resented more than anything else was the dictatorial attitude of the North, which assumed to give law for a territory acquired chiefly by Southern arms. Most of the Southerners saw clearly enough that there was no chance of making any new slave states, and their fight was after all for a mere abstraction. Placed on the defensive, many of the Southerners, especially in the cotton states, defended slavery as "a good politically, socially and economically" and some extremists advocated the reopening of the slave trade, but this was in the nature of defensive action against the charge favored by the abolitionists in the North that all slaveholders were worse than murderers or pirates, and that the constitution which protected the states in the Union was "a covenant with death and a league with hell."

A few salient facts show from what part of the Union the aggressiveness proceeded. The first which may be mentioned was the violent clamor raised in the North against the decision of the Supreme Court in the *Dred Scott Case*, which tore away the plank on which the Freesoilers stood in their unlawful attack on the Kansas-Nebraska act. This court decided in 1857 that the Missouri Compromise never had any legal basis and was null and void. But the Republicans, who were becoming dominant in the North, refused to yield to the decision and would no longer abide by the doctrine formerly held in the North that the Supreme Court was the constitutional arbiter between the States and of supreme national character. The second was the formation in New England of "Emigrant Aid

Societies," who were active in sending colonists southward, armed with Sharpe's rifles, not only to save Kansas from slavery but Virginia also by encouraging settlements there of Anti-Slavery people. And, third, there was the John Brown raid, which proved beyond dispute the lawless and desperate nature of Freesoilism, amounting almost to madness with many people in the North.

John Brown was born in Connecticut and had all the recklessness of an anarchist and the unscrupulousness of a pirate. He belonged to the extreme wing of northern abolitionists led by Garrison, and he actually revelled in works of murder, arson and robbery. Skulking about in Kansas under various guises and pretenses, he compelled his Free Soil friends to suffer for his numerous crimes and outrages, till it is said they made him leave the territory. At Pottawatomie this conscienceless person, with the aid of his sons and others as wicked as himself, dragged from their beds at midnight three men and two boys and hacked them to death with two-edged cleavers. After this Brown slew an unarmed, inoffensive farmer in Missouri. To the above should be added the robbery of stores in Kansas, the stealing of horses, the invasion of Missouri and the theft of about \$4,000 worth of oxen, mules, wagons, harness and all such other valuable goods as he could find on one of his raids. This lawless conduct brought many instalments of Missouri vengeance, and the last fell upon Lawrence, the capital of Freesoilism in the Territory, in the Quantrell raid, when many in the place suffered for the crimes of John Brown.<sup>4</sup>

In 1859 Brown transferred his operations to Virginia, and under guise of aiding the Anti-Slavery emigration to Kansas received assistance from Eli Thayer and the Emigrant Aid Society in New England. Eli Thayer declared that Brown had said: "I have not come to make Kansas free but to get a shot at the South." Thayer's own plans were, however, only one degree short of Brown's, for despite his professions of

<sup>4</sup>Thayer, *The Kansas Crusade*.

peaceful intent, his arming his settlers with rifles gave them a good opportunity to shoot Southern men, and there is no telling how many did so merely because of the opportunity. Thayer further adds that Brown constantly received money from many persons in New England who "little knew what use he was making of it, for he deceived everybody."

However that may be, there is no longer any doubt that Brown's designs were backed by armed bands in the North, who were deterred from coming to his aid by the entire failure of his plan and the active steps taken by Governor Wise to protect the State by assembling a large body of militia. It became a matter of common notoriety that Brown's plans had long been known and approved by men like F. B. Sanborn, Gerritt Smith, Theodore Parker, Thomas Wentworth Higginson, Henry Thoreau, and Wendell Phillips. Sanborn in his "Recollections of Seventy Years," affords interesting details of the Brown conspiracy.

Suffice it here to give the prominent facts connected with this astonishing incident in history, which, as it was significant of the state of mind to which the whole North was rapidly tending, makes one even today wonder that it did not at once drive Virginia into secession. Brown had a meeting of his friends at Chatham in Canada, where the plan of action was carefully discussed. They proposed to overturn the government of Virginia, set the negroes free and arm them against their masters, and then after exciting negro insurrection in Virginia, occupy other assailable points in the other slave states, for which a map was prepared.

Having thus matured their purposes, John Brown and his men came to Maryland, rented the Kennedy farm on the Maryland side of the Potomac eight miles from Harper's Ferry, and spent several months preceding their attack in collecting ammunition and stores of all sorts and familiarizing themselves with the inhabitants and general character of the country about them.

On the night of Sunday, October 16, 1859, Brown set out

with a party of twenty-two men, all armed, for Harper's Ferry, located on the Virginia side of the Potomac at the confluence of the Shenandoah and the Potomac. Approaching the village stealthily, they took possession of the United States armory and its fifty thousand muskets, and seized the person of William Williams, a watchman on the railroad bridge. A party headed by Cook, one of the band, then went and captured Col. Lewis Washington and Mr. Allstadt, two large farmers residing near the town, together with all their slaves and some wagons and horses. All these movements were attended with little noise, and as the workmen came in Monday morning they were seized and made prisoners, so that in a short time these dangerous rebels against both the United States and Virginia held nearly sixty prisoners captive.

Confused rumors of these events began to spread through the village, and at first no man could say what number of murderers had poured upon the town. After the troubles in Kansas anything might be expected. But courage came soon to the rescue, and the town and country people ran for their shot guns, and surrounded the armory and engine house in which the assassins were assembled. The news was despatched to Charlestown, and some believe that the coming of a volunteer company from that place, which at an early hour on Monday morning crossed the Potomac above Harper's Ferry and proceeded down the tow path to the mouth of the bridge across the river, alone prevented assistance reaching them from the North.

Two significant facts characterized this surprising attack. The first blood shed was that of an innocent, unoffending negro, named Heyward Sheppard, who was employed by the railroad and whose curiosity had induced him to cross the bridge to ascertain what the commotion was all about. He fell into the hands of Brown's men, who told him of their plans and urged him to join them. He steadily refused, and when he attempted to escape they fired upon him and killed him in cold blood. The second fact was, that no slave joined the con-

spirators in their attempted insurrection, except one or two whom Brown captured and who accompanied him under compulsion. The cruelly oppressed slave, thirsting for vengeance impressed upon the northern mind by Mrs. Stowe's "Uncle Tom's Cabin," did not materialize.

As the morning advanced a guerrilla warfare was kept up between the conspirators and the hastily armed people of the town and country. Of the latter, Joseph Boerley, a grocer, and George Turner, formerly a captain in the United States army, were killed. About noon the Charlestown troop of horse already mentioned, appeared, and volunteer soldiers from Shepherdstown soon joined them. About this time Fontaine Beckham, the mayor of Harper's Ferry, received a shot from Brown's men and died instantly.

When he fell, the fury of the people found a victim in Thompson, one of the conspirators, who had been captured and was now shot down. Soon afterwards an assault was made upon the armory by the citizens and soldiers led by Captain Alburtis; the armory was carried, several of the conspirators were slain and many of the prisoners released. In attempting, however, to carry the engine house to which the conspirators retreated, seven of the attacking party were wounded, and the assailants repulsed.

Night came on, and a train of cars arrived from Washington bringing a hundred United States marines, with two pieces of artillery, under Col. Robert E. Lee. The sequel is well known. Colonel Lee requested Brown to surrender, and on his refusal except on terms of a conqueror, Lee ordered an assault. Twenty marines battered in the door of the engine house with a heavy ladder, it fell, and the soldiers rushed through the breach, a sharp firing ensued and Private Rupert of the marines was killed, but his comrades pressed on and after a brief struggle the rebels were overcome. Brown, desperately fighting, was wounded severely, one of his sons was killed and another mortally hurt. All resistance ceased,

and the captive citizens, who had been in immediate danger, were released.

Of the twenty-two bad men engaged in this attack fourteen fell in the combats of Monday and the final assault on Tuesday; two, Cook and Hazlett escaped to Pennsylvania, but were captured and sent back to Virginia; and six, Brown, Shields, Stevens, Coppie, Copeland and Green were taken by the soldiers. All were regularly tried by the jury at Charlestown according to due course of law in Virginia, except Stevens, who was turned over to the United States authorities. Brown recognized the utmost fairness of his trial, and an abolition lawyer, George H. Hoyt, came from Boston to defend him. He was received, and every privilege of an attorney allowed him. Able counsel represented the other prisoners. The trial of Cook brought out a splendid effort of oratory from the Hon. Mr. Voorhees, of Illinois. Notwithstanding the fact that, if ever lynching was excusable, the case of Brown and his co-conspirators was of that character, no irregularity, no summary process was resorted to, the law took its course and the result was that the prisoners were all duly convicted of murder and treason.

The governor, Henry A. Wise, arrived on the scene of action immediately after the rebels had been all killed or captured and took prompt measures to restore order and carry out the requirements of the law. Such an astonishing attack upon a peaceful state that had been well known for her attachment to the Union might be indicative of any contemplated outrage. From the arrest to the execution, the governor received more than five hundred letters from people in every part of the country. Some of them informed him of a determined purpose to rescue Brown and urged him to guard against it. This he did most effectually by assembling in Charlestown, where the prisoners were confined, a large body of citizen soldiers, who established a regular camp.

The letters received by the governor from the Free States, instead of showing a decent horror at such a base and cow-

ardly attack, breathed a spirit of unmistakable sympathy with Brown. Many of them were full of brutal menaces threatening certain death to the governor and members of his family, if he did not pardon Brown or commute his punishment. Others informed him that larger organized bands existed, whose purpose it was to set fire to the principal cities and towns of Virginia, if Brown was hung. Others were from persons of national fame, well known in the country and considered to be among the most conservative of northern men; they blamed Brown but urged his pardon on grounds of public policy. Meanwhile the newspapers of the North of all classes and complexions were joining in the same cry and urging the pardon of these men.

It was a deeply significant fact that no spontaneous burst of indignation and censure occurred at the North at any place on account of this outrage in Virginia,—no overwhelming public meetings to denounce Brown's murderous raid and urge his punishment. It was not till weeks and months had passed, and after many people in the South had, in primary meetings, declared their purpose to buy no more shoes and cotton fabrics from New England that on Thursday, the 8th of December, 1859, a meeting was held in Boston, at which Edward Everett made a speech and formal resolutions were passed condemning Brown's conduct. Similar meetings were afterwards held in other places, and prominent New York merchants engaged in the southern trade, gave out censures of John Brown.

But that these meetings were only for policy was shown by the evidences of sympathy which Brown received on the day of his execution. Throughout the North public meetings were held, bells tolled and orations delivered proclaiming him a hero and a martyr, and Virginia another Algiers. The real martyr, Heyward Sheppard, Brown's colored victim, met with no mention whatever, no sympathy, but in Boston Tremont Temple was crowded to excess on the evening of Brown's execution, and one J. R. A. Griffin, a member of the Massa-

chusetts House of Representatives, made a speech in which he said that "the heinous offence of Pontius Pilate in crucifying our Savior whitened into virtue, when compared with that of Governor Wise in his conduct towards John Brown." This sentence was far from displeasing to his auditors, and it, with similar declarations, was approved by many newspapers.

The abolitionists united in praise of Brown, and Wendell Phillips declared that he was not at all surprised at his action. He boasted that it was "the natural result of the anti-slavery teaching," and said: "For one I accept it, I expected it. On the banks of the Potomac,—history will visit that river more kindly because John Brown has gilded it with the eternal brightness of his deed than because the dust of Washington rests on one side of it." If it be said that the abolitionists constituted a small factor of the northern people who regarded them as crazy, the answer is that while uttering sentiments inciting to further murders they were approved by many and interfered with by none. None of them were arrested or put in hospitals for the insane. We are bound to believe that the condemnation of Brown by Lincoln and other politicians was sincere in no degree, that in fact they secretly honored and believed in him; and this was shown by their after talk when there was no need for policy. When hostilities at last began, the most popular song of the Federal soldiers was "John Brown's Body," and for many years after the war his name held first place in the affections of the northern writers. Gradually with a dying out of the old hatreds, the people there began to see more clearly, and his many crimes proved too much for them. Then the propagandists sought and found another hero in Abraham Lincoln.

The crisis came hastening on. South Carolina sent a commissioner, C. G. Memminger, to Virginia to urge upon the Legislature the assembling of a southern convention composed of delegates from all the southern states, who should confer as to the guarantees to be demanded of the North. Had the southern convention assembled, it would at least have had

the effect of uniting the South at once and in solid phalanx. It is now very clear that if Virginia had to fight, the true policy was to fight as soon as possible, but her statesmen, blinded with love of the Union, to whose founding Virginia had contributed more than any other state, hoped against hope that time would bring its own remedy to the ills from which they suffered. The Legislature refused the invitation, and the union of the South was not complete.

The result of the agitations growing out of the troubles in Kansas had imparted new strength to the Freesoil party, which soon under the name of the Republican party, rapidly absorbed all the elements of opposition to the Buchanan administration. The John Brown raid had a momentary staggering effect, but the doctrine of no more slave states was steadily maintained and found a place in the Republican platform of 1860. On the southern states the John Brown raid produced a profound impression, which was much increased by Edmund Ruffin, the famous Virginia agriculturist, who made a present of one of the pikes which John Brown had brought with him to arm the negroes to the executive of each of the southern states, as a suggestion of what they might expect from further association with the North.

In the Democratic party itself the most inveterate disorders existed. We have noticed that Mr. Douglas, who by his Kansas-Nebraska bill had brought the storm on the South, soon after deserted it by opposing the Lecompton Constitution and interpreting "the non-intervention" of the Compromise of 1850 as "Squatter Sovereignty." On this issue the contest raged hot and fiercely, though as Kansas was practically given up by the southern men, there was now no further occasion to put the question to a practical test, and southern expansion was forever at an end. As a matter of fact, only the eager ambitions of the North and pride of the South kept up the contest.

At Charleston, in 1860, the Democratic party split on the platform, and when the northern wing, led by Douglas, refused

to surrender their interpretation of "non-intervention," the delegates from the South withdrew from the convention, and the Democracy ultimately went into the election with two sets of nominees—Breckenridge and Lane pledged to the southern construction and Douglas and Johnston pledged to "Squatter Sovereignty." What remained of the old Whig party in the guise of the "Union Party" united on John Bell and Edward Everett. The Republicans rallied on Lincoln of Illinois and Hamlin of Maine.

Mr. Lincoln was elected by a plurality vote. His was a purely sectional election and proved the straw that broke the back of the unhappy milch cow of the South, which looked aghast upon all the departments of the government controlled by the North. The equilibrium in the Senate had gone with the admission of two new free states, California and Oregon, and Kansas was soon to follow.

## CHAPTER V

### NATIONAL POLITICS IN VIRGINIA, 1860-1861

As a result of Lincoln's election the action so long delayed took place as the logical result of the economic, social and political situation. The estrangement between the North and South was complete. The enmities of French and Germans paled before the enmities existing in the United States. South Carolina seceded and was soon joined by all the other cotton states, who formed a new union among themselves and called it "The Confederate States of America."

In support of their action the Southern States had two strong arguments. There was, first, the constitutional justification of secession from a voluntary partnership. The tenth amendment explicitly declared that all powers not granted were reserved to the states respectively or the people thereof, and the right of secession having never been granted, modified, limited or surrendered in any way, must have been a reserved power. But apart from the constitutional argument, there was the overwhelming argument of nature expressed in the doctrine of self-government and self-determination. The cotton states occupied a country more extensive than France, Germany and Italy combined, and they had established an organized government over a people practically united in its favor. It was argued that under a separate government the South would have laws suited to her own conditions alone, and fear of the Republic to the North would keep the South united.

Neither did an independent South mean the perpetuation of slavery. Brought in direct relations with the world at large, slavery would have felt the general condemnation more

acutely, and in McCormick's reaper was an agency already at work promising to displace slavery. This invention proved a stimulus for the development of all kinds of agricultural implements, diminishing greatly the need of hand labor. Yet the Southern States' right to a government of their own was not recognized by Mr. Buchanan or Congress, and conditions were not such as to promise peace very long.

On the 8th of December, 1860, four of the congressmen of South Carolina had an interview with President Buchanan, and submitted him a paper by which they pledged South Carolina not to disturb the *status quo* at Charleston previous to the action of the South Carolina Convention called to meet December 17, or until an accredited agent for adjusting all matters between the Federal Government and South Carolina could arrive. Buchanan, avowing pacific purposes, would not make any pledges in return but one—and that was that before ordering any reinforcements to the fort he would return the paper to the congressmen or one of them.

John B. Floyd,<sup>1</sup> the Secretary of War, pursuant to Buchanan's intention, issued "instructions" to Major Anderson, in which he said: "You are carefully to avoid every act which would needlessly tend to provoke aggression, and for that reason, you are not without necessity to take up any position which could be construed into the assumption of an hostile act, but you are to hold possession of the forts in this harbor, and if you are attacked you are to defend yourself to the last extremity."

On the 17th of December, the convention of South Carolina met and on the 20th it passed an ordinance of secession. On the 22nd they appointed a commission of three with power and authority to proceed to Washington and negotiate with the United States Government for the peaceful return of the forts

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<sup>1</sup>Floyd was long an object of attack by Northern writers who loaded him with obloquy and charged him with all sorts of treasonable machinations. Mr. Robert M. Hughes, in two articles published in Tyler's *Quarterly*, II, 154-156, and V, 1-10, shows how empty and foolish these charges were.

to the state and a full and fair money settlement of the difference between the value of the property received by South Carolina from the Union and of the interest in that retained by the Federal Government. These gentlemen hastened to fulfill their grave mission, but hardly had they arrived in Washington and made known their purposes, when an event occurred which came near bringing on war then and there.

The South Carolina authorities, relying perhaps too much on Mr. Buchanan's pacific intentions, were scrupulous in preventing any act tending on their part to a breach of the peace. No efforts were made to stop the collection of the customs or to take possession of any property belonging to the Federal Government. Major Anderson was treated in a friendly manner, and on Christmas day dined with the authorities of Charleston when the utmost good humor prevailed. But on the night of the next day, Major Anderson evacuated Fort Moultrie and took possession of Fort Sumter, a much stronger situation.

On delicate questions of honor there is a possibility for much difference. The weight, however, on this matter of constructive guilt seems to be against Buchanan. Undoubtedly the *status quo* had been disturbed by the change from one fort to the other with the attendant circumstances of spiking guns, burning the carriages, and dismounting the mortars. John B. Floyd thought that the President should order back the troops, and when Buchanan refused, making Anderson's act his own, Floyd resigned his office as secretary of war. Major Anderson maintained that his action was justified by the too extensive erection of batteries which were taking place around him, but no proof of this was ever advanced by him.

Instead of returning the troops, Mr. Buchanan notified the South Carolina commissioners that he would not do so, and they thereupon returned home. Further, he sent the *Star-of-the-West* with provisions and troops to Charleston, where she was fired on and compelled to return. This was

unquestionably a departure from the pacific course of policy which Mr. Buchanan had hitherto pursued and was doubtless decided on by him in consequence of the gust of enthusiasm occasioned in the North by what was termed Major Anderson's "chivalric" performance.

The firing on the *Star-of-the-West* roused Major Anderson in Fort Sumter, who threatened to fire on every ship within range if the act was not disclaimed, but Governor Pickens of South Carolina would disclaim nothing, and in return made a demand on Major Anderson for the surrender of Fort Sumter. Finally a truce was patched up by which the whole subject was referred to the government at Washington. Lieutenant J. Norman Hall was dispatched to represent Major Anderson, while Governor Pickens sent Col. I. W. Hayne to look after the interests of South Carolina.

The immediate consequence of all this was to excite the people both North and South. The northern press was full of condemnation of the South and New York and Ohio passed resolutions offering men and arms to the Federal Government. On the other hand the Southerners made haste to occupy Fort Moultrie, the arsenal in Charleston and all the other possessions of the Federal Government. Mississippi, Alabama, Florida, Georgia and Texas proceeded to pass ordinances of secession and to range themselves by the side of South Carolina.

What part Virginia and the other Border States were to perform in this rapidly developing tragedy was a matter of anxious consideration to the people of those states. Assuming that separation was inevitable and that they were integral parts of the great Southern Nation, there can be little doubt that they made a great mistake in not joining as quickly as possible the cotton states. A distinguished northern scholar and soldier, Charles Francis Adams, stated it as his opinion<sup>2</sup> that had Virginia promptly thrown her voice and influence

<sup>2</sup>*Virginia Magazine*, XVIII, p. 92.

on the Southern side there could have been no war and no doubt of Southern Independence. In this event Maryland and all the other southern border states would have followed her example and the states of the Union would have confronted each other at Lincoln's inauguration with two governments, *de facto* and *de jure*. Delay prevented Maryland from getting into line, and delay enabled the imperialists of the North to manufacture sentiment sufficient to encourage Lincoln, after much hesitancy, in moving his armed forces against the South. As it was, Virginia refused to think the problem of union a hopeless one, and her statesmen, as in 1833, looked around for a remedy that might bridge over the present trouble.

This remedy Virginia found in certain peace measures now to be detailed.

Governor John Letcher, who had succeeded Henry A. Wise in the executive department of the State had, soon after the secession of South Carolina, summoned together the General Assembly. It met in Richmond on January 7, 1861, and immediately proceeded to its labors by the appointment of a joint committee on Federal Relations. This committee did its work quickly by proposing a convention of all the States, whether slaveholding or non-slaveholding, to agree, if practicable, upon some suitable adjustment of the question at issue, effecting a full restoration of the Union.

In approving this report the convention acted upon the wellknown views of John Tyler, who, however, advocated a convention of the Border States, six on a side, believing, as it turned out, that a convention dominated by the Northern States would result in nothing likely to produce the end in view.<sup>3</sup> The place of meeting was Washington and the day of the meeting was February 4, 1861, and John Tyler, James A. Seddon, Judge John Robertson, William C. Rives, and George W. Summers were appointed delegates from Virginia.

But this was not all that was done by the Legislature in the interests of peace and Union.

<sup>3</sup>*Letters and Times of the Tylers*, II, 577.

In imitation of the action of the State in 1833, Mr. Tyler was also appointed a commissioner to proceed at once to President Buchanan, and Judge John Robertson a like commissioner, to the State of South Carolina, and the other states that had seceded or might secede, with instructions respectively to request each of the parties, pending the proceedings contemplated by the proposed Peace Convention to refrain from any and all acts calculated to produce a collision between the Confederacy and the government of the United States.

The resolutions authorizing this action passed the State Senate on January 19, and quick to act under them Mr. Tyler arrived in Washington on January 23. He had an interview with Mr. Buchanan, who declined to give any assurances either for peace or war, but agreed to send to Congress, with whom in his opinion, rested the whole responsibility, a message recommending to them to abstain from all action of a hostile character until Virginia could have a fair opportunity to exert all her efforts to restore harmony to the Union. The promised message was sent, together with the resolutions of Virginia setting forth the pacific objects of Mr. Tyler's mission. But neither House of Congress took any notice of the message from Virginia and, with brutal indifference, the Republican majority in Congress permitted them to lie upon the table unrecognized. The President would give no pledges, but it could be seen that, out of a real desire for reconciliation, nothing would be done by him to disturb the existing state of things, and the silence of Congress indicated that it was also averse to precipitate action at this time. Mr. Hayne was dissuaded from presenting the ultimatum of South Carolina for the withdrawal of the troops, and Mr. Robertson had so far succeeded in his mission as to obtain from South Carolina and other Southern States assurances that no further steps provocative of ill feeling would be taken.

When the Peace Convention met at Washington, February 4, John Tyler was elected its President. In this body the

Virginia delegation planted themselves upon the resolutions proposed by John Jay Crittenden in the United States Senate December 18, 1860. The first and most important of these proposed to recognize the existence of slavery in all the territory "now held or hereafter acquired lying south of the old Missouri Compromise line of 36° 30'." The provision gained nothing for the South beyond the express recognition of the relation of master and slave in the Constitution, since the territory beneath this line of 36° 30' was unfit for the development of slavery, and nature precluded its establishment. But it was soon found that most of the northern states were present with no feeling of compromise, and this was especially true of the fierce and turbulent state of Massachusetts, who seemed to think that her day of revenge had arrived. After two weeks, the committee to whom the Crittenden resolutions were referred reported them back so changed that they appeared but a mockery of their former selves. They were at first rejected by a majority of the states represented in the convention, but upon a reconsideration the next day, they were adopted by a majority of nine to eight states, the majority which passed them being a minority of the states represented. Mr. Tyler, who opposed them in the convention, gave them his official approval as President, and on February 27th transmitted them to Congress.

Here they were opposed in the Senate as wholly unsatisfactory by James M. Mason and R. M. T. Hunter, the two senators from Virginia, but accepted by Mr. Crittenden. On March 2nd they were brought to a vote in the Senate and rejected by twenty-eight to seven. The vote then occurring on Mr. Crittenden's resolutions they received the vote of the southern senators, and were only rejected by a narrow majority of one—the vote standing twenty to nineteen. In the House of Representatives, where the Republicans had largely the majority, the propositions of the Peace Convention were not even given a hearing. The speaker himself was refused leave to present them. Congress adjourned on the

4th of March, 1861, having deliberately refused all compromise and resolutely refusing at the same time any strengthening of the arm of the executive, as had been done for General Jackson in 1833.

In the meantime, a convention of the people of Virginia had been in session in Richmond since February 13. A large return by the electorate had been made of men opposed to secession except in the event of an attempted coercion of South Carolina on the part of the Federal Government. On this point the General Assembly itself had taken a determined stand in January before the meeting of the state convention.

In the convention the small corps of secessionists were led by Henry A. Wise, Lewis E. Harvie and James P. Holcombe. On March 1 they were strengthened by the accession of John Tyler fresh from the abortive Peace Convention. He was a strong Union man but his experience there had been sufficient to disillusion him of all hopes of compromise, and he had come now to see clearly the danger of further delay. He tried to make the convention understand this in his speech on the Peace Convention propositions March 12, but the old traditional love of Union blinded them to the peril, and, when on April 4th Mr. Harvie moved that the Committee on Federal Relations should be instructed to report an ordinance of secession, the vote stood against it ninety to forty-five.

In the State at large, however, the people saw and felt the danger far more acutely than the majority of the members whom they had elected a few weeks before. While the convention continued to ponder and hesitate, the people were everywhere in action, organizing into military companies, drilling and petitioning the convention for an early ordinance of secession.

But the end was drawing nigh. Telegrams received in Richmond on the morning of April 6th announced that the Lincoln Government was preparing a formidable armament of naval and land forces for the purpose of reinforcing Fort

Sumter. The convention took action immediately but was still pacific. On Monday, April 8th, the convention appointed a commission consisting of William Ballard Preston, George W. Randolph and Alexander H. H. Stuart to go to Washington and ask of President Lincoln what policy he intended to pursue regarding the seceding states. They left Richmond the next day, April 9th.

Now this brings us to the point where a review should be made of what was going on in Washington since the arrival there of Mr. Lincoln on February 23rd. His policy turned largely on Virginia, and it is no extravagance to say that never did the State, not even in Revolutionary days, loom up before the country in a character of greater potentiality. Virginia was the star that fixed the attention of the country, both North and South, as it was recognized that her determination one way or another would influence the action of all the other border slave states, Maryland, Kentucky, Missouri, North Carolina, Arkansas and Tennessee.

The Congress of the Confederate states assembled at Montgomery on the 4th of February, 1861, and on February 15th Congress passed a resolution authorizing President Davis to appoint a commission of three persons to be sent to Washington for the purpose of negotiating friendly relations and settling all questions of disagreement with the United States, and after appointment the commission consisted of John Forsyth, of Alabama, Martin J. Crawford, of Georgia, and A. B. Roman, of Louisiana. On March 12th they addressed a communication to William H. Seward, the newly appointed secretary of state, upon the subject of their mission.

Seward prepared an answer, dated March 15th, which was filed in the Department of State the same day. It stated that he had no authority to recognize them as diplomatic agents and that he saw in "the events which have recently occurred not a rightful and accomplished revolution and an independent nation, with an established government, but rather a perversion of a temporary and partisan excitement

to the inconsiderate purposes of an unjustifiable aggression upon the rights and authority vested in the Federal Government." If this letter had been delivered at once, there could be no question as to the uncompromising attitude of the Federal Government, but it was not so delivered. On March 15th, the date the note was prepared, Justice John A. Campbell of the Supreme Court was informed by his associate Judge Nelson of Mr. Seward's strong disposition for peace and of his anxiety to avoid making a reply at that time, if possible. On this intimation Judge Campbell on the evening of the same day had a personal interview with Mr. Seward, as a result of which he sought out the Confederate commissioners and gave them the following statement:

"I feel entire confidence that Fort Sumter will be evacuated in the next five days. And this measure is felt as imposing great responsibility on the administration. I feel entire confidence that no measure changing the existing status, prejudicially to the southern states, is at present contemplated. I feel an entire confidence that an immediate demand for an answer to the communication of the commissioners will be productive of evil and not of good. I do not believe that it ought, at this time, to be pressed."

Mr. Seward was immediately informed by Judge Campbell of what he had communicated to the commissioners. On this assurance the commissioners relied, and ceased to urge a formal reply to their communication.<sup>4</sup> At the end of the five days, Judge Campbell, in company with Judge Nelson, had another interview with Seward. They found him much occupied, and he could only reply to the question why Fort Sumter had not been evacuated that "everything was all right." The next day (March 21st) they had another and much freer conversation with Seward, who said that "the failure to evacuate Fort Sumter was not the result of bad faith, but was attributable to causes consistent with the intention to fulfill the engagement and that as regarded Fort Pickens in Florida,

<sup>4</sup>Connor, *Life of John A. Campbell*, p. 126.

*notice would be given* of any design to alter the existing status there.’<sup>5</sup>

This renewed assurance was communicated to the commissioners, and by them communicated to President Davis and by him to General Beauregard, who had been put in command at Charleston.

On April 1st Judge Campbell saw Seward again, and when he asked what he should report on the subject of the evacuation of Fort Sumter, Seward obtained an interview with the President, and returning wrote the following: “I am satisfied the Government will not undertake to supply Fort Sumter without giving notice to Governor Pickens.” There was a departure here from the pledges of the previous interviews, but the verbal explanation that Seward gave that “he did not believe that any such attempt would be made and there was no design to reinforce Fort Sumter” quieted Campbell’s apprehensions.

By the 7th of April there were so many indications in the papers that hostile measures were on foot that Campbell addressed a letter to Seward and asked if the assurances Campbell had given the Confederate commissioners “were well or ill founded,” and in respect to Sumter he received in reply, “faith as to Fort Sumter fully kept—wait and see.” In the morning’s paper Campbell read: “An authorized messenger from President Lincoln informed Pickens and General Beauregard that provisions will be sent to Fort Sumter—peaceably or otherwise by force.” This was the 8th of April and on the evening of that day the first part of the relief squadron left New York. This was not a notice in any honorable sense.

There can be no doubt as to the truth of Campbell’s statements, and two of Lincoln’s cabinet, Welles and Blair, fully support him in their account. They go further and allege that the determination to relieve Fort Sumter was opposed

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<sup>5</sup>Letter of Campbell to Seward; Stephens, *War Between the States*, II, 743-745.

by Seward and that after the relief squadron was decided on, so resolved was Seward to render it abortive that on April 4th he telegraphed Governor Pickens through Mr. Harvey, afterwards made by Mr. Seward minister to Portugal, that an attempt was to be made to reinforce Sumter, and he got the President to dispatch the *Powhatan* on a special relief mission to Fort Pickens disestablishing its captain, Samuel Mercer, and placing Lieut. D. D. Porter in command. As this ship was the flag ship of the squadron to Fort Sumter, the entire squadron, when it arrived off Charleston, was "destitute of a naval commander, flag ship and instructions." Welles thinks in this way Seward sought to redeem the words sent to Judge Campbell: "Faith as to Fort Sumter fully kept; wait and see."<sup>6</sup>

Seward, however, said nothing on April 7th when catechised by Campbell, regarding Fort Pickens, and though the case against the Federal Government in this connection was even stronger than in the matter of Fort Sumter there was not a pretence of notice given to anybody, though notice had been promised to Campbell by Seward in their interview of March 21st. Here as early as January 29, 1861, a written agreement had been entered into binding the Government not to *reinforce the fort, unless it was attacked or reinforced by the Confederates*. Nevertheless, an order went from General Scott, with the approval of Gideon Welles, secretary of the navy, directing as early as March 12th Captain Vogdes to land his company, then on the *Brooklyn* at Pensacola, and reinforce the fort. Captain Adams, commanding the naval forces there, refused to place his boats and other means for landing at the disposal of Vogdes, and in his report to Welles, April 1, 1861, Adams, who appears to have been an honorable man, called attention to the terms of the armistice, which he declared both sides "had faithfully observed," and said that the landing of troops would be considered not only a declaration of war but an act of war and would be resisted to the utmost. Upon the receipt of this information Welles, regardless of the existing

<sup>6</sup>Welles, *Lincoln and Seward*, pp. 60-64; Welles' *Diary*, Vol. I, 28-29.

armistice, ordered him on April 6th to comply with the request of Captain Vogdes, "it being the intention of the Navy Department to cooperate with the War Department in that object." Obedient to order, on April 11th at 9 A. M. the *Brooklyn* got under way, and during the night landed troops and marines at the fort. This was the night before Fort Sumter was fired on, and no notice of any kind was given.

In fairness to Seward, he cannot be held responsible for the action of Welles, though Lincoln knew all about it, and it is possible that Seward knew nothing of General Scott's order when he made the answer to Judge Campbell on March 21st of giving notice, if conditions at Fort Pickens were changed.

But this cannot be said of another expedition ordered April 1st by Lincoln. This was the detachment, already referred to, from the squadron to reenforce Fort Sumter, of the Steamer *Powhatan*. By this order, made on Seward's recommendation, Lieut. D. D. Porter was placed in command of the ship, displacing Capt. Samuel Mercer, and the Commandant of the Navy Yard at New York was expressly warned *that no communication of the matter should be made to the Navy Department!*\* The *Powhatan* was to go to Pensacola, and "at any cost or risk" prevent an expedition (of Confederates) from the mainland reaching Fort Pickens.

The strange part of all this is that Welles, the secretary of the navy, being purposely kept ignorant of the secret order to the *Powhatan*, added that vessel as the flagship to the Fort Sumter expedition. When Porter refused to obey, alleging the authority of the President, Welles flew to the President and complained. Lincoln was submissive enough and excused himself on the ground that, while he had approved the expedition, he did not know that the *Powhatan* was the flagship of the Sumter expedition, and he then ordered Seward to recall Porter and the vessel. Seward pretended to comply, but as the recall was signed by "Seward," Porter claimed to

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<sup>7</sup>Rebellion Records, Cited in Colonel Johnstone's *Truth of the War Conspiracy*.

\*Records Rebellion, Vol. 4, 109.

be under Presidential orders and went on to Fort Pickens, but owing to storms and defective machinery he did not show up at the fort till after the capture of Fort Sumter.<sup>8</sup> Here was a plain case of Lincoln and Seward combining to snub and deceive their own colleague in the cabinet—Gideon Welles.

Seward was a cunning diplomat, and he guarded against contingencies. When on April 9th the Confederate commissioners, considering themselves deceived, as they had a right to think, demanded a reply to their letter of March 12th, Seward caused to be handed to them his memorandum of March 15th, which had been on file in the State Department ever since its date. This letter seemed to offer no compromise, and of course breathed not a word of his efforts during twenty-three days to effectuate the evacuation of Fort Sumter. On the contrary, an endorsement made on it put the blame on the Confederate commissioners for the non-delivery of the memorandum earlier.

The charge against Seward of a breach of faith appears, therefore, fully sustained, but Seward was a subordinate officer and the real responsibility rested with Abraham Lincoln. Welles, who hated Seward, says that Lincoln knew nothing of Seward's assurances, but this can hardly be. Mr. James Schouler is an example of an extreme partisan, having little sympathy with the South, but even he is bothered with a conscience, and in his "History of the United States" he has the manhood to say that in his opinion Lincoln was privy to all the assurances of Seward. Were it otherwise, why should the President on April 1st, he pertinently asks, have instructed Seward to inform Campbell that he would not provision Sumter without notice? That Lincoln allowed this to be communicated to Campbell is not only directly proved by the account which Campbell gives of his interview with Seward, but is attested by Lincoln's private secretary, J. G. Nicolay, in a personal memorandum.<sup>9</sup> Then besides the improbability of

<sup>8</sup>Welles, *Diary*, II, 27-30.

<sup>9</sup>Nicolay and Hay: *Abraham Lincoln, A History*, IV, p. 33.

Seward undertaking to assume such high responsibility without the consent of the President, Welles' own "Diary" asserts and proves that Lincoln during this time was under the domination of Seward.

Not only is this shown by the affair of the *Powhatan* but by Lincoln's actually signing an order, without reading it, for the reorganization of Welles' department instigated by Seward. When taken to task by Welles, Lincoln apologized and said: "If I can't trust the secretary of state, I know not whom I can trust." Welles says: "The secretary of state spent much of each day at the Executive Mansion and was vigilant to possess himself of every act, move and intention of the President, and of each of his associates."

So the attitude of Lincoln's mind towards Fort Sumter, being similar to that of Seward, renders it additionally probable that he endorsed and sanctioned Seward's assurances to Judge Campbell. But this is to be always kept in mind, Lincoln advocated the peace program not for the sake of peace but for the sake of policy.

During the closing hours of Buchanan's administration, Seward, who was looked upon as the coming premier of the new administration, had told Gov. C. S. Morehead, in the presence of Mr. Taylor of Washington and Messrs. Rives and Summers of Virginia, that "if this whole matter is not satisfactorily settled within sixty days after I am seated in the saddle and hold the reins firmly in my hand, I will give you my head for a football."<sup>10</sup> Similarly Lincoln, in his speeches on his journey to the capital, made light of the troubles in the country, and we are told that his remarks had a most depressing effect upon Major Anderson and his men at Fort Sumter. After his arrival in Washington, February 23rd, his mind was so turned towards peace for policy sake that he sought to make a bargain with the Virginia Convention for the withdrawal of the troops from Sumter, if the Convention would adjourn and go home. By this measure Lincoln doubt-

<sup>10</sup>Coleman, *Crittenden*, II, p. 338.

less hoped to isolate the cotton states and prevent the secession of the border slave states.

Governor C. S. Morehead, of Kentucky, says<sup>11</sup> that on Mr. Lincoln's arrival in Washington he waited upon him, in company with Mr. Rives, of Virginia, Mr. Doniphan, of Missouri, and Mr. Guthrie, of Kentucky, members of the Peace Convention, and that in answer to the earnest solicitations of these gentlemen he promised to withdraw the troops from Fort Sumter, "if Virginia would stay in the Union." This is undoubtedly the interview to which Lincoln alluded<sup>12</sup> as reported by John Hay in his "Diary" under date of October 22, 1861, as taking place between himself and "certain southern pseudo-Unionists before the inauguration, at which time, as he said, he promised to evacuate Fort Sumter if they would break up their Convention without any row or nonsense. They demurred." When in London a year or two later, Morehead reiterated his statement, which was published in the London Times. Schleiden, the German minister at Washington, reported<sup>13</sup> that Lincoln had said to the peace commissioners of Virginia: "If you will guarantee me the State of Virginia, I will remove the troops. A state for a fort is not a bad business." Schleiden, doubtless, referred to the interview mentioned by Morehead, as there is no positive record of any other with the peace commissioners.

After the inauguration there is a certainty that Lincoln had concluded to withdraw the troops without any condition. According to Montgomery Blair, "the cabinet generally had been convinced that Fort Sumter was untenable and acquiesced in its surrender, submitting to the inevitable."<sup>14</sup> On March 15th, only one man in the cabinet, and that was Blair himself, was absolutely in favor of reinforcing Fort Sumter. That

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<sup>11</sup>Coleman: *Life of Crittenden*, II, 338.

<sup>12</sup>*Letters and Diary of John Hay*, I, p. 47, quoted in White, *Life of Lyman Trumbull*, p. 158.

<sup>13</sup>Connor, *Life of John A. Campbell*, 146-147.

<sup>14</sup>Welles, *Mr. Lincoln and Mr. Seward*, p. 65.

day, it will be remembered, Seward gave Campbell the assurance of the limit of five days within which the withdrawal would take place. When six days passed and the withdrawal did not take place, Seward declared<sup>15</sup> that "*the resolution had been passed and its execution committed to the President.*" In strong corroboration is a paper published by Governor Francis Pickens, in August, 1861. Pickens says that he had the intelligence from "*one very near the most intimate counsels of the President*" that this paper was designed as a proof sheet for some prominent newspaper, was submitted to the President and cabinet, approved, and a proclamation in conformity with its general views was to be issued. The proof sheet was in the nature of a defense of Mr. Lincoln for signing an order of evacuation, and put the blame on the treasonable conduct of Mr. Buchanan, which rendered the surrender necessary.<sup>16</sup> No other person conformed so closely to Pickens' description as "*one very near the most intimate counsels of the President*" as Seward, the Secretary of State.

There is any amount of additional evidence that Lincoln and his advisers in the month of March contemplated the surrender of Fort Sumter.<sup>17</sup>

Lincoln, however, delayed in executing the order, and in course of two weeks changed his policy altogether. Welles ascribes<sup>18</sup> the change to Montgomery Blair. He observes that "*the President, with the acquiescence of the cabinet, was about adopting the Seward and Scott policy, and Blair wrote his resignation determined not to continue in the cabinet if no attempt was made to relieve Fort Sumter. Before handing in his resignation a delay was made at the request of his father. The elder Blair sought an interview with the President, to whom he entered his protest against non-action, which he*

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<sup>15</sup>Connor, *Life of John A. Campbell*, p. 126.

<sup>16</sup>*William and Mary College Quarterly*, XXIV, 75-85.

<sup>17</sup>*Tyler's Quarterly Historical and General Magazine*, II, 208-210; and Crawford, *Genesis of the Civil War*, pp. 364, 365.

<sup>18</sup>Welles, *Diary*, I, p. 13.

denounced as the offspring of intrigue. His earnestness and indignation aroused and electrified the President." Blair, on the other hand, seems to ascribe<sup>19</sup> the change to the advice of Seward and General Scott that Fort Pickens as well as Fort Sumter be abandoned. In this he says, "they overshot the mark with Lincoln. Fort Pickens was well supplied and was actually impregnable, while the Federal Government commanded the sea." But a more intelligible explanation is to be had in another direction.

The change from a chaotic condition in which peace was a large figure to a settled determination on the part of Lincoln to employ arms began about March 29, when certain radical influences got to work and made themselves felt. On March 15th only one man (Blair) in the cabinet was absolutely in favor of reinforcing Fort Sumter, and on March 29th the cabinet was nearly evenly divided. The determining influence appears to have been the tariff.

On March 16th, Stanton, who had been a member of Buchanan's cabinet, and had not yet taken sides with the Republicans, wrote to the ex-President that "the Republicans are beginning to think that a monstrous blunder was made in the tariff bill" (the Morrill tariff passed after the senators from the cotton states had left their seats—with rates from 50 to 80 per cent), that "it will cut off the trade of New York, build up New Orleans and the southern ports, and leave the Government no revenue." There was a Confederate tariff from 10 to 20 per cent, and fears of its favorable operation to the South were excited in the bosoms of Lincoln and his cabinet. It appeared as if the southern milch cow might escape the northern milking altogether.

Now, this was not to be thought of, and the governors of many of the northern states, which were especially under the control of the tariff interests, came to Washington and were there before March 29, and several days after it, when Lincoln

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<sup>19</sup>Welles, *Lincoln and Seward*, 65-66.

began to amend his stand. They offered him men and arms.<sup>20</sup>

The proof of their agency is as follows. While Lincoln was busy on April 1st giving secret orders for at least three expeditions to go to Fort Pickens and was getting ready the expedition to relieve Fort Sumter,<sup>21</sup> he was prevailed upon by Seward to try the old alternative of bargaining the withdrawal of the troops from Fort Sumter in return for an adjournment of the Virginia Convention. He set on foot new negotiations, which are referred to in the latter part of the paragraph in Hay's "Diary," reporting Mr. Lincoln at Seward's house on October 22, 1861: "Subsequently (i. e., subsequent to the interview with Morehead and others of the Peace Convention before the inauguration) he renewed the proposition to Summers but without any result. The President was most anxious to prevent bloodshed."

The true story seems to be that Lincoln intended to make the proposal and took steps accordingly, but changed his mind and never actually made it. He sent Allan B. Magruder, a Virginia lawyer, residing in Washington, to invite George W. Summers, a leading Unionist in the Virginia Convention, to come to see him. Magruder reached Richmond April 2d, and as Mr. Summers could not leave Virginia, John B. Baldwin, another prominent "Union man," went in his stead. He arrived in Washington on April 4th, and immediately went to see Mr. Seward, who took him to Lincoln at the White House. But Lincoln told him he had "come too late," and when Baldwin earnestly pleaded with him in favor

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<sup>20</sup>*The War Between the States*, II, 354, 527. For the presence of these Governors see the *New York World* and *New York Herald* of April 5, the *Richmond Examiner* for April 10, containing a Washington News Letter dated April 7; *Richmond Dispatch*, April 6; *Richmond Examiner*, April 8; and *Baldwin's Pamphlet in Reply to Botts*, 1866, Staunton, Virginia; Howison's *History of the War*, in *Southern Literary Messenger*, XXXIV, p. 405; Crawford, *Genesis of the Civil War*, p. 340.

<sup>21</sup>See Rebellion Records. Johnstone's Pamphlet: *The Truth of the War Conspiracy*.

of letting the South alone, Lincoln vehemently asked, "What would become of his revenue?"<sup>22</sup>

Considering the enormous interest centering around the tariff, and the fact that in 1833 the tariff question had actually pushed the country to the verge of war, the pertinency of Lincoln's question is obvious and it is not surprising that the final determination turned upon it. Strong corroboration of the tariff influence is afforded by A. H. H. Stuart, in his account<sup>23</sup> of the interview held with Lincoln by the Virginia delegation on April 12th, and in the account<sup>24</sup> of Lincoln's interview with Dr. Fuller and the deputations from each of the five Christian Associations of Baltimore, held on April 22nd. In each interview, when begged to leave the South alone, Lincoln asked: "And what is to become of my revenue?"

The very day (April 4th) Baldwin arrived in Washington, General Winfield Scott issued an order for furnishing troops for an expedition under Captain Fox, "whose object is to reinforce Fort Sumter." And on April 6th Lincoln drafted the instructions for the Fox expedition. As a further commentary on the tortuous course at Washington, this man Fox had been, with Lincoln's encouragement, for weeks preparing the plan of reinforcements. The latter part of March he had been sent to Charleston by Lincoln with a view to concoct a scheme, and had obtained access to the fort by representing to Governor Pickens that he came on "a peaceable mission." This plan had been adopted by the Government and was now in process of execution under his supervision.<sup>25</sup>

It is interesting to note in considering these remarkable proceedings that while John B. Baldwin declared before the Reconstruction Committee in 1866 that Lincoln made him no proposal about withdrawing the troops, Lincoln, in the extract

<sup>22</sup>D. R. L. Dabney's *Narrative*, Corroborated by Stuart of Virginia and Col. J. H. Keatley of Iowa; Southern Historical Society Papers, I, p. 443; IX, p. 88.

<sup>23</sup>*Southern Historical Society Papers*, I, p. 452.

<sup>24</sup>Howison, *History of the War*, in Southern Literary Messenger, XXXIV, 452.

<sup>25</sup>Howison, *History of the War*, in Southern Literary Messenger, XXXIV, 403.



GENERAL WINFIELD SCOTT

above from John Hay's "Diary" is reported as saying that such a proposal was made, but "without any result." As reported by John Minor Botts, detailing several years later an interview with Lincoln on April 7, the same proposal is attributed to Lincoln of withdrawing the troops and that Baldwin scouted the idea of adjourning the convention.<sup>26</sup> But Botts, proverbially inaccurate, because of his overconfidence, weakened his declaration by reciting minor details which could never have occurred as he gives them, and Hay's entry in the "Diary" is not contemporary with the act and confuses Baldwin with Summers, who did not go to Washington.

Baldwin could very rightly claim that as specially charged with the mission to Lincoln, his testimony is of a higher character than any, and Summers and other friends in the convention declared that the statement made by Baldwin before the Reconstruction committee in 1866 was substantially what he told them on his return from his mission to Washington. He bore no overtures from Lincoln whatever.<sup>27</sup>

Be that as it may, either story shows Lincoln as far from the character ascribed to him by most of his admirers, who love to represent him as pursuing from start to finish one undeviating course of action. They never tire of abusing Mr. Buchanan for not at once putting down the Rebellion, but Mr. Buchanan, despite the perplexities of his situation, never at any time presented such a picture of contradiction and weakness as Lincoln. Here Lincoln was almost in the same moment contriving means to reinforce Fort Sumter and proposing to take the soldiers away.

The severest criticism of Lincoln comes from Schouler, one of his greatest admirers: "*So reticent, indeed, of his plans had been the President, while sifting opinions through the month, that it seemed as though he had no policy, but was waiting for his cabinet to frame one for him.*" This is certainly not the kind of appearance that one would expect in a

<sup>26</sup>Botts, *The Great Rebellion*, p. 195.

<sup>27</sup>*Baldwin's Pamphlet in Reply to Botts*, Staunton, Virginia, 1866.

President, who is supposed by virtue of his office to be a leader of men.

In this critical moment, involving the peace of the country, there never was a time when the presence of Congress was more necessary or advisable. But Lincoln, having brought his mind through the mazes of uncertainty to a fixed resolve, assumed the whole responsibility and deliberately refrained from calling to his side the great council of the nation. He could have called it in ten days, but did not do so until July 4th, when the northern heart had been "fired" sufficiently. Congress, called at an earlier date, might not have approved his course.

To return to our narrative, Baldwin went back to Richmond, and it was then that the delegation appointed by the Convention and consisting of William Ballard Preston, A. H. H. Stuart and George W. Randolph, set out on their trip to Washington to ascertain the final intentions of the administration. Mr. Lincoln appointed Saturday, the 13th day of April, as the day of receiving them. When that day arrived, the fleet had sailed, and the bombardment of Fort Sumter had taken place. The first gun had been fired by a former Virginian, Edmund Ruffin, who in his zeal for an independent South had exercised the right of expatriation and removed from Virginia to become a citizen of South Carolina.

Mr. Lincoln read to the Virginia delegates a carefully prepared paper, in which he expressed his intention of following the course outlined in his inaugural address, which was to hold, occupy and possess the property and places belonging to the government and to collect the duties and imposts. But, says Mr. Stuart in his account of the interview, "his declarations were distinctly pacific and he expressly disclaimed all purpose of war." Now Seward, the secretary of state, and Mr. Bates, attorney general, gave similar assurances, and yet the same train which took the commissioners home brought Mr. Lincoln's proclamation calling for 75,000 men. Neither Lincoln, nor Seward, nor Bates had ever given a hint to the

delegates that such a paper was in existence. So surprised was Mr. Stuart when he saw it in the Richmond papers at breakfast Monday morning, April 15th, that he thought at first it must be a mischievous hoax.<sup>28</sup>

The same day the delegates made a report of their interview to the convention. It is hard to believe that Lincoln and his advisers in the cabinet resorted to all these deceptive doings in fulfillment of a carefully considered plan of action. It is more likely they did not know what course it was best to pursue and, being at their wits' ends, seized on the suggestions of the moment. In a recent letter to the author, a well-known writer, and a great admirer of Lincoln, explains his conduct as "a manœuvre" to make the South appear as the aggressor. George Lunt of Boston, in his book on the war, explains the Fort Sumter expedition as "a manœuvre," which military persons, and sometimes politicians, metaphorically denominate "stealing a march." No kind of stealing at any time appears very honest, and the manœuvre, even if it succeeded in stirring up the North, did not rid Lincoln of the charge that he was the aggressor in the war. Mr. Hallam in his Constitutional History of England states that "the aggressor in a war is not the first who uses force, but the first who renders force necessary."

If Lincoln's design was to stir the North up, he was not disappointed. Despite the fact that the attempt to reinforce Fort Sumter compelled the Confederates to fire on it, the North responded madly when the flag was thus "insulted." This had not been the case when the *Star-of-the-West* was fired on, and it showed that Buchanan's policy of delay was the right course if war was intended. The northern newspapers burst out now in a fury of anathema against the South, and the northern people responded in a mighty shout of vengeance.

On the other hand, the proclamation of Lincoln calling for 75,000 men to subdue South Carolina aroused the South to an even greater demonstration of enthusiasm. The border states

<sup>28</sup>Stuart's *Narrative*, in Southern Historical Society Papers, I, p. 452.

had never regarded Lincoln's election under constitutional forms as a sufficient cause of secession but they were all unanimous against coercion, and here they were up against it. It left them no alternative but secession. Then came at last the rush of the Southern Nation to arms. Nevertheless, the Virginia convention acted with a coolness not to be expected at such a time.

On motion of James P. Holcombe, April 16, 1861, the Convention went into secret session, and on Mr. Tyler's motion the members were required to take an oath of secrecy. In secret session Mr. Preston, one of the recent commissioners to Mr. Lincoln and a gentleman of distinguished abilities, submitted an ordinance repealing the ratification of the Constitution of the United States by the State of Virginia, and revoking all rights and powers granted under said ratification. On this ordinance the convention voted next day, and it was carried by a vote of eighty-eight to fifty-five. Immediately after the question, nine members changed their vote from the negative to the affirmative, and six who had not previously voted obtained leave to record their names in favor of the ordinance. Thus the final vote stood 103 to 46. Most of the negative votes were from West Virginia, which was largely settled by people from Pennsylvania, and had little in common with the old settled parts of the State.

The ordinance was to be submitted to the vote of the people on May 23, 1861, and in the meantime ordinances were rapidly passed for calling out volunteers, and organizing an army and navy. Robert E. Lee, who had resigned from the United States army, was made commander-in-chief of the state forces. The Navy Yard at Norfolk and the arsenal at Harper's Ferry were seized, but there had been so much delay that the Federals were enabled to remove or destroy most of the treasures which they contained in the shape of provisions of war of all kinds.

On the 24th of April a committee, of which John Tyler was chairman, reported a treaty made with the Confederate states

for an alliance, offensive and defensive, the same not to have any legal operation or effect if the people of the Commonwealth decided on May 23d not to approve the ordinance of secession. And on the 29th of April the Convention elected R. M. T. Hunter, William C. Rives, Waller R. Staples, John W. Brockenbrough and Gideon D. Camden to represent the state in the Confederate Congress at Montgomery. On the removal of the capital of the Confederacy to Richmond, John Tyler was added to the number.

This action was justified under the Constitution of the United States, which in Article I, Section 10, declares that "no state shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in times of peace, enter into any agreement with another state or with a foreign power or engage in war, *unless actually invaded or in such imminent danger as will not admit of delay.*" The danger to Virginia in 1861 came from the Federal government itself, which had called out troops and threatened hostile action against any state which might adopt secession. This section itself was a direct recognition of the sovereign power of self protection through the action of the constituted government in any state, and the vote of the people which required time could not be waited for when destruction was imminent.

On the 23d of May the people of Virginia voted upon the ordinance of secession, referred to them by their convention. The result was that the ordinance was ratified by a majority of 92,149 at the polls and 10,515 in the camps, making a total of nearly 103,000 votes. Even the thirty-seven counties constituting the present state of West Virginia, settled largely by non-slaveholders and afterwards railroaded out of Virginia by a combination of the Federal government and John S. Carlile and Waitman T. Willey, threw a majority of more than 400 votes in favor of ratifying the ordinance of secession.<sup>29</sup>

The day next after this election the Federal troops crossed the Potomac and took possession of Alexandria, thus beginning the invasion of the State.

<sup>29</sup>Howison, *History of the War*, in *Southern Literary Messenger*, XXXIV, 612.

## CHAPTER VI

### DOMESTIC HISTORY, 1789-1861 ADMINISTRATIONS OF THE GOVERNORS, 1788-1834

BEVERLEY RANDOLPH, Governor,

December 1, 1788-November 30, 1791.

He was the son of Col. Peter Randolph, of "Chatsworth" Henrico County, Surveyor General of the Customs for the Middle district of America. He was educated at William and Mary College, where he graduated in 1771, and during the American Revolution he was a member of the House of Delegates from 1777 to 1781. In 1787 he was president of the Governor's Council, and in 1788 he became Governor, serving by annual election three years. He died in February, 1797, at his residence, "Green Creek," in Cumberland County, Virginia.

Among the many acts of the Legislature with which his administration was concerned, the following may be mentioned:

An act to cede to the United States two acres at Cape Henry in Princess Anne County for the erection of a lighthouse. The act provided that after seven years, if the lighthouse was not erected, or was suffered to fall into decay or be rendered useless, the property or the soil and jurisdiction over the same should revert to the Commonwealth. This work had been long in contemplation, and in February, 1727, the General Assembly of Virginia had passed a law on the subject. Another had been passed in 1752, but little or nothing was done under either law. In 1772 the General Assembly passed another act for the erection of the lighthouse, in conjunction

with the State of Maryland, and under the act in 1774 some rock was brought to Cape Henry from Mr. Brooke's quarry on the Rappahannock river. But the American Revolution caused another delay.

Now under the auspices of the Federal Government a new and successful start was made.

An act to erect the district of Kentucky, into an independent State. Passed November 25, 1789.

An act for the cession of ten miles square, or any lesser quantity of territory within this State to the United States for the permanent seat of the General Government. Passed June 28, 1790.

In 1846 this portion of the District of Columbia was returned to Virginia on the petition of the inhabitants.<sup>1</sup>

An act appropriating a further sum of money for building the Capitol. Passed December 19, 1789. After the removal of the seat of government from Williamsburg to Richmond in 1779, an act was passed for locating the Capitol, Governor's house and other public buildings on Shockoe hill. The Revolution prevented any actual construction, but in 1785 Mr. Jefferson, then minister of the United States at Paris, was requested by the directors of the public buildings, Messrs. Buchanan and Hay, to procure for them a plan for the Capitol. Mr. Jefferson responded and, in June, 1786, sent them a model of the Maison Quarrée at Nismes, which he pronounced "one of the most beautiful, if not the most beautiful and precious morsel of architecture left us by antiquity." It was a Roman temple built by Caius and Lucius Cæsar and repaired by Louis XIV. The model thus sent was accepted by the directors, and the Capitol erected accordingly.

An act for cutting a navigable canal from the waters of Elizabeth River in Virginia to the waters of Pasquotank River in the State of North Carolina (known as the Dismal Swamp Canal). Passed November 25, 1790.

An act directing a seal for the High Court of Chancery.

<sup>1</sup>Tyler's *Quarterly Hist. and Gen. Mag.* I, 73-86.

Passed December 27, 1790. The High Court of Chancery was formed in October, 1777, and consisted at first of three judges, Edmund Pendleton, president, George Wythe and John Blair, but in October, 1788, it was reduced to one judge, George Wythe, who under this act was to have executed a seal for his court.

An act concerning Peter Francisco. Passed December 20, 1790. Francisco was noted for his great strength and served gallantly in the Revolution. (See William and Mary College Quarterly, XIII, 213-219.) The act allowed him a sum of money for his valor and the loss of a horse.

An act concerning the southern boundary of this State. Passed December 7, 1790. By this act the line commonly called Walker's Line was declared the southern boundary of the Commonwealth. In 1728 Col. William Byrd of Westover, in Charles City County, acting for Virginia, had run the boundary line from the Atlantic Ocean, through the Dismal Swamp to Peter's Creek. In 1749 Col. Peter Jefferson, father of Thomas Jefferson, and Joshua Fry, professor of mathematics in William and Mary College, continued the line ninety miles further to Steep Rock Creek, supposed to be on the parallel of 36 degrees 30 minutes north latitude. In 1778 another survey was attempted, but the commissioners from the two states differed so widely on principles, that two lines were run instead of one, known as Walker's and Henderson's lines, after the two leading commissioners from each State, Dr. Thomas Walker and Richard Henderson. After thirteen years North Carolina accepted Walker's line and this act confirmed and established it.

But North Carolina having ceded the territory, known as Tennessee, to the United States before this act was passed, it became necessary to run the boundary line with that State. Commissioners appointed in 1799 ran a line midway between Walker's and Henderson's lines, which was ratified by the Virginia Assembly in 1802-03.

Previously, in 1785, commissioners appointed in 1779 on

the part of Virginia, James Madison and Robert Andrews, and on the part of Pennsylvania, George Bryan, John Ewing, and David Rittenhouse, had agreed upon a line between Virginia and Pennsylvania, which was duly accepted by the two States. It continued Mason and Dixon's line five degrees westward, thence northward on a meridian line to the Ohio. By this agreement Pittsburg, site of old Fort Duquesne, fell in Pennsylvania, and not in Virginia, as had been long claimed.

There were also many acts passed relative to the establishment of academies, for opening and improving the navigation of different rivers, and for establishing towns.

HENRY LEE, Governor,

Dec. 1, 1791-Nov. 30, 1794.

He was the son of Henry Lee, and Lucy Grymes, his wife, of "Leesylvania," Prince William County, Virginia, and was born January 29, 1756. He graduated at the College of New Jersey, A.B. 1773, and A.M. 1776. He served as lieutenant colonel with great distinction in the Revolution. He served in Congress from Virginia 1785-1788, and was a member of the Convention of 1788 called to consider the Constitution, and both spoke and voted for its ratification. In 1789-91 he was a representative in the General Assembly, and was Governor 1791-1794. President Washington commissioned him Major General in command of troops sent to Western Pennsylvania to suppress the whiskey rebellion, which he soon effected. In 1798-99 he was in the Legislature and defended the alien and sedition acts, and in 1799-1801 he was a representative in the Sixth Congress, and at the close retired to private life. While a member of Congress in 1799, when the death of Washington was announced, he drew up a series of resolutions, formally announcing the event, which were presented in his absence by his colleague John Marshall. In these resolutions occur those ever memorable words, "First in war, first in peace, and first in the hearts of his fellow citizens." On the invitation

of Congress he was the author of "Funeral Oration" upon President Washington, delivered December 26, 1799.

After his retirement to private life he wrote his excellent work, "War in the Southern States" (2 vols., 1812). He died while on a visit to General Greene's residence on Cumberland Island, Georgia, March 25, 1818. He was buried there, but recently his remains were removed to Lexington, Virginia, and interred by the side of his illustrious son, General Robert E. Lee. The County of Lee in southwest Virginia was named for him.

One important matter of his administration was the relief of the French emigrants who came under Du Tubeuf to Russell County. Lee recommended that money be loaned them and their bonds taken in payment. He pronounced their coming as "the first effort at European emigration since the war." The legislature acted on his advice and lent them 600 pounds. Another matter of interest was the war with the Indians, who had defeated the United States army under General St. Clair. To protect the frontiers Virginia had to raise troops and pay them, a duty which belonged to the United States. The expense was so great that Lee states that "it had left the treasury bare."

Another subject of interest was the new code, which Lee announced to the Assembly, in a message dated October 1, 1792, as completed.

Probably the most important affair of his administration was the suit brought in a Federal Court by the Indiana Company in 1793 against the Commonwealth. His letters to the speaker of the House of Delegates, October 21, 1793, and November 13, 1793, take strong ground against the constitutionality of the proceedings. He argues that the Union was in "the nature of a Confederacy" and that "a sovereign State was not sueable except with its consent." He advised that an amendment be added to the Constitution expressly forbidding such suits in the future. The Legislature backed him by a resolution agreed to December 20, 1792, that the

claims of the Indiana Company had already been passed upon and decided and that "the State cannot be made a defendant in the said court, at the suit of any individual, or individuals."<sup>2</sup> Out of this grew the Eleventh Amendment, which went into effect January 8, 1798.

ROBERT BROOKE, Governor,

Dec. 1, 1794-Nov. 30, 1796.

He was born in Virginia in 1761, son of Richard Brooke, and grandson of Robert Brooke, a skilled surveyor, who went with Spotswood on the Transmontane expedition in 1714. He was educated at Edinburgh University and in attempting to return home at the beginning of the Revolution was captured by Howe, the British admiral, and sent back to England, from whence he went to Scotland, thence to France, and reached Virginia in a French vessel carrying arms for the Continentals. He joined Capt. Larkin Smith's company of cavalry, was captured near Richmond, was exchanged and rejoined the army. After the Revolution he was a member of the House of Delegates for Spotsylvania County from 1791 to 1794, and during the latter year became Governor. He served two years, and in 1798 became Attorney General of the State, defeating Bushrod Washington, General Washington's nephew. He was grand master of Masons in Virginia in 1795-97. He died in 1799, while still Attorney General, aged only thirty-eight. The County of Brooke in West Virginia was named for him.

Among the important acts passed during his administration was one granting Hampden-Sidney College the land whereof a certain Robert Routledge died seized. Passed December 11, 1794. This gentleman, who was a Scotch Presbyterian, had been killed in a drinking bout by Col. John Chiswell in the year 1766.

Another act was one establishing the first insurance com-

<sup>2</sup>Hening Stats., XIII., 630.

pany in Virginia, the Mutual Assurance Society, passed November 2, 1794; another, for appointing two persons to perform marriages in Lee and Randolph counties, there being then few ministers in these wild counties, who could act; another, to establish the Petersburg Academy. Most interesting perhaps was an act of the legislature granting the United States Bank authority to establish a branch in the State, this act seeming to claim that without the State's assent no branch of the Bank could be set up in Virginia, which was the position taken by John Tyler in 1841 as ground of his vetoes of two bank bills.

JAMES WOOD, Governor,

Dec. 1, 1796-Nov. 30, 1799.

He was a son of James Wood, founder of Winchester, and was born about the year 1750 in Frederick County, which he represented in the Virginia Convention of 1776. From that body he received a commission November 15, 1776, as colonel in the Virginia line. In 1778 he was appointed to the command of Burgoyne's imprisoned army and held command at Charlottesville and at Winchester, when the prisoners were removed to that place. In 1782 he was made president of the Board of Arrangements of the Virginia line, created by a resolution of Congress. In 1784 he was a member of the House from Frederick County and afterwards served in the Executive Council, and in December, 1794, he was elected Governor of the State. After his term of three years had expired he was commissioned Brigadier-General of State troops. He was also for a time president of the Virginia branch of the order of the Cincinnati. He died in Richmond, Virginia, June 6, 1813. Wood County in West Virginia is named for him.

During this administration there were rumors of negro insurrections, and the Legislature in 1797 ordered the erection of two arsenals and an armory sufficient to hold 10,000

muskets. The Alien and Sedition Laws, passed by the Federalists in Congress, June 27, 1798, and July 14, 1798, had a part in pushing them to completion. On December 2, 1798, the Virginia Legislature adopted a protest drawn by James Madison, which asserted the doctrine that the Union was a compact to which the States were parties. The leaders in debate in favor of the Resolutions were John Taylor of Caroline, William B. Giles, Charles Fenton Mercer, Edmund Ruffin and Peter Johnston (father of Gen. Joseph E. Johnston) and the leaders against the Resolutions were George Keith Taylor, Gen. Henry Lee and Archibald Magill.

JAMES MONROE, Governor,

Dec. 1, 1799-Nov. 30, 1802.

He was a son of Col. Spence Monroe, of Westmoreland County, Virginia, and was born April 28, 1758. He studied at William and Mary College and rendered gallant service in the Revolution, receiving a severe wound while leading the advance at Harlem. In 1782 he was elected to the Legislature, and from 1783 to 1786 was a member of the Continental Congress. He served in the State Convention of 1788, when he opposed the ratification of the Federal Constitution without some amendments. In 1790 he became a United States Senator, to fill the unexpired term of William Grayson, deceased, serving until 1795, when Washington appointed him minister to France. Here he offended the administration by proving too pro-Galican, and he was recalled. The people of Virginia sought to vindicate him by appointing him Governor. On the election of Jefferson, Monroe was again sent to France, and, with Robert R. Livingston, as co-plenipotentiary, secured the cession from France of the vast Louisiana Territory. Afterwards he was minister to England, Secretary of State and Secretary of War, and President of the United States for two terms (1817-1825). He died July 4, 1831. Monroe County in West Virginia was named for him.

Just before his election as Governor, Patrick Henry died, June 6, 1799, and two weeks after taking office George Washington died, December 14, 1799.

This was followed by an insurrection of the negroes, known as "Gabriel's Insurrection" after the ringleader, a negro named Gabriel. At midday on the 30th of August, 1800, information was given to Monroe by Mosby Shepherd that the slaves in his neighborhood contemplated an extensive insurrection. This information rested on the evidence of two negroes, subsequently set free. Governor Monroe called out at once several regiments of State Militia into service, and, with the providential aid of a storm, which flooded the streams and rendered their crossing impossible, nipped the insurrection in the bud. The ringleaders, including Gabriel, were caught, and some thirty of them executed. The plot was fully explained by Monroe in his message December 5, 1800,<sup>3</sup> and it seems to have engaged the negroes in all the counties surrounding Richmond. Their idea was to set fire to the section of Richmond called Rocketts, in the east end, and while the attention of the white inhabitants was engaged in that quarter to seize the public arms and ammunition, stored at the penitentiary.

Out of this insurrection grew the resolution of the Legislature requesting the National Government, from motives of humanity, to purchase a tract of land to which negroes like those executed might be transported without compelling a resort to extreme remedies involving death. Monroe, in communicating the act to Thomas Jefferson, President of the United States, gave it his endorsement, and suggested that the terms of the resolution might be made the basis of another interpretation for ridding the State altogether of slavery." "We perceive," he said, "an existing evil, which commenced under the Colonial system, and with which we are not properly chargeable, or, if at all, not in the present degree, and we acknowledge the extreme difficulty of remedying it." Jefferson

<sup>3</sup>Monroe's *Letter Book*, State Archives.

in reply suggested Sierra Leone as a colonization point, and this was first used as such; next in 1820 Sherbro Island was used; and finally, December 15, 1821, Cape Mesurado, where, shortly after, Monrovia, the future capital of Liberia, began its existence, named after President Monroe.\*

Another incident of the year 1800 was the trial in Richmond of James T. Callender for alleged libel against John Adams. Samuel Chase, who presided, was a Federalist of an impudent type and utterly unfit to be a judge.

In 1802 the coming to Norfolk of negroes from San Domingo gave rise to some apprehensions and there were rumors of slave risings in Nottoway and Norfolk on May 10 of that year.

In his message December 7, 1800, Monroe urged internal improvements, good roads and highways, and a well planned system of schools.

Monroe was deeply interested in Jefferson's election in 1801 and wrote the Virginia Senators that "he trusted that none of the Republican States will give ground." "The two great States of Virginia and Pennsylvania, with their Republican Governors, Monroe and McKean," says Muzzey, "were ready to appeal to arms rather than see Jefferson cheated out of the Presidency."

In a message dated December 6, 1802, Monroe informed the General Assembly that the armory was nearly completed, and in the same papers he said that the deaths of Major General Daniel Morgan and of Brigadier-General Everard Meade, and the removal of Major General George Rogers Clark to Kentucky created vacancies in the militia which it was incumbent upon the Legislature to fill.

JOHN PAGE, Governor,

Dec. 1, 1802-Nov. 30, 1805.

John Page was born at "Rosewell" in Gloucester County April 17, 1744, son of Mann Page and Alice Grymes, his

\*Morgan, *Life of James Monroe*, 389.

wife. He graduated from William and Mary College in 1763, and served as a member of Lord Dunmore's Council and in the House of Burgesses. When the Revolution began, he was a delegate to the Convention of 1776, and became a member of the Revolutionary Committee of Safety in August, 1775. He was a colonel of militia from Gloucester in 1781, member of Congress from 1789 to 1797. In the army to subdue the Whiskey Insurgents in Western Pennsylvania, he was lieutenant colonel. December 1, 1802, he became Governor, and after serving three years, was in 1806 made by Jefferson United States Commissioner of Loans, which position he held till his death in 1808. The County of Page, in the Valley of Virginia, formed in 1831 from Rockingham and Shenandoah, was named after him.

Governor Page renewed the correspondence begun by Monroe with Jefferson about colonization of the negroes in a letter dated February 2, 1805. In a message dated December 5, 1803, he assumed the ground which prevailed more or less with all the early governors that recommendations by the governor was an interference with the legislative functions, but two years later in making many suggestions in a message he candidly admitted himself embarrassed by the recollections of his former stand and recalled his opinions on the subject.

WILLIAM H. CABELL, GOVERNOR,

Dec. 1, 1805-Nov. 30, 1808.

He was born December 6, 1772, in Cumberland County, Virginia, and was the eldest son of Col. Nicholas and Hannah Carrington Cabell. In February, 1785, he went to Hampden-Sidney College, where he continued till September, 1789. In February, 1790, he went to William and Mary College, where he remained till July, 1793, graduating there as Bachelor of Law. He practiced law, and in 1796 was elected a delegate to the General Assembly. He was also in the Assembly of 1798 and voted for Madison's Resolutions against the Alien

and Sedition laws. In 1800 and again in 1804 he was presidential elector on the Republican ticket. In April, 1805, he was again elected to the Assembly, but within a few days after the commencement of the session he was made Governor, December 1, 1805, and remained Governor three years. After this he was a judge of the General Court, and later judge of the Supreme Court of Appeals, becoming president thereof in 1842. He served till 1851, when he retired from the bench. He died at Richmond January 12, 1853. Cabell County in West Virginia was named for him.

In his message to the Legislature December 1, 1806, Cabell proved himself a strong friend of schools and urged their importance. In the same paper he announced the death of the great George Wythe, and the appointment of Creed Taylor as chancellor to fill the vacancy.

Two other events distinguish the period of his incumbency. One was the attack on the U. S. Frigate "Chesapeake," commanded by Commodore Barron, by the British sloop of war "Leopard." This outrage stirred the country generally and exasperated beyond measure Virginia; within whose waters the affair occurred. The Legislature passed flaming resolutions, pledging both money and men to stand by the National Government in defense of the rights of the Union.

The other event was the trial of Aaron Burr in Richmond for alleged treason against the United States. The arch-conspirator was defended by John Wickham, Edmund Randolph and Benjamin Botts, eminent lawyers residing in Richmond, and by John Baker of Shepherdstown and Luther Martin of Maryland. Alexander McRae and George Hay of Richmond, and the brilliant William Wirt were associated with the attorney general of the United States, Caesar Rodney, in the prosecution. John Marshall presided, and John Randolph was foreman of the grand jury, and Col. Edward Carrington, foreman of the jury that tried Burr. The last three were all bitter enemies of Jefferson, on whom the duty devolved, as chief executive, to see that the interest of the government was pro-

tected. The trial degenerated into a party contest in which the Federalists rallied about Burr and made him a hero and a martyr to presidential persecution. The result as is well known was the acquittal of Burr, because of the inability to prove an overt act of treason, but the suspicion of which he was prevailingly the subject seemed to attend him through the remainder of his life. With the revival of Federalism in recent days this unprincipled agitator is coming again into a measure of praise.

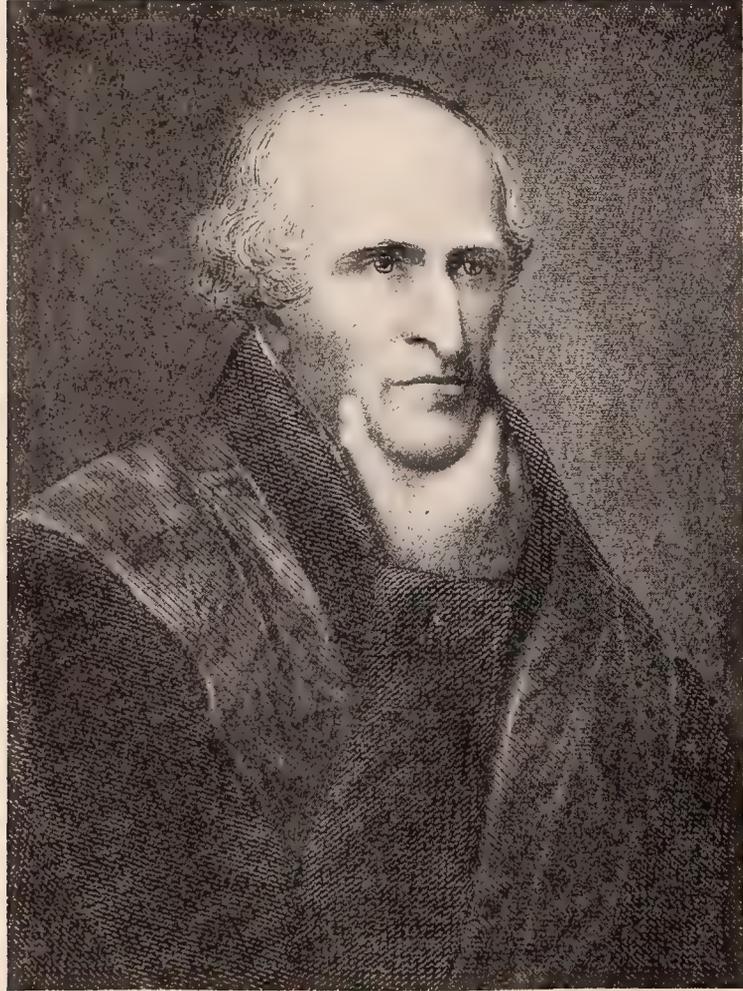
JOHN TYLER, Governor,

Dec. 1, 1808-Jan. 11, 1811.

John Tyler was son of John Tyler, who was long marshal to the old Vice-Admiralty Court of the Colony of Virginia, and died in 1773. The son was born in James City County, February 28, 1747, and was educated at William and Mary College. He was an ardent patriot of the Revolution and was a member of the House of Delegates from 1778 to 1786, during a part of which time, 1781-1785, he was speaker. During his last year (1786) he was instrumental in securing the passage of the resolution for convening the Assembly of the states at Annapolis. After this he was judge of the State Admiralty Court and as such, a judge of the first Supreme Court of Appeals till 1788, when, with the adoption of the Federal Constitution, the Admiralty Court went out of existence, and Judge Tyler became judge of the General Court. He was vice president of the state convention which sat at Richmond in 1788, and after a service of twenty years on the bench of the General Court he became Governor December 1, 1808.

While judge he performed a memorable service in 1793 in *Kemper vs. Hawkins* in maintaining the authority of the court to set aside an act of the Legislature deemed unconstitutional.

He held office as Governor till January 11, 1811, when he resigned to accept the office of District Judge of the United



Mr. Tyler -

States for Virginia, which he held till his death, February 6, 1813. In recommending him to Madison, Jefferson paid him the compliment of having sufficient firmness to preserve his independence on the same bench with Judge Marshall, a difficult thing to do.

He was a warm Republican and supporter of Thomas Jefferson. Tyler County in West Virginia is named for him.

One of the first acts of Mr. Tyler, as Governor, was to enclose to Thomas Jefferson, who had now nearly concluded the term of his second administration, an address of thanks from the General Assembly, drawn by William Wirt, remarkable for its elegance and beauty. The following October, 1809, his term as President being concluded, Jefferson visited Richmond and was enthusiastically received.

Governor Tyler, in his message December 4, 1809, enlarged on the outrages committed by Great Britain and France, and used this language: "We have talked long enough of our rights and our national honor. Let us now prepare to defend them."

In this message he was particularly urgent on the necessity of promoting schools, and the invigoration of William and Mary College by adding new professorships and giving the legislature the power of appointing the board of managers.

So much of the governor's message as related to education was referred to a committee, who, on January 19, 1810, reported a bill providing that all escheats, confiscations, fines, penalties and forfeitures and all rights in personal property found derelict, should be appropriated to the encouragement of learning, and the auditor was directed to open an account to be designated the Literary Fund. It is said that the bill itself was devised and drawn by Hon. James Barbour, then the speaker of the House of Delegates. In his second message, December 3, 1810, Governor Tyler urged an increase of the number of judges of the Supreme Court from three to five, which was acted on by the Legislature, and the number of five still remains the constitution of the court. His strictures on the old county courts have received present endorsement in the

fact of their abolition, and the appointment of judges learned in the law to preside, while his attack upon the affectations of the bar of his day—its habit of quoting English authorities and making long and vapid speeches—has borne fruit in the growth of a true American spirit. In Virginia today, Tucker, Lomax and Minor take the place of Blackstone as text books, and Call, Munford, Randolph, Leigh and Grattan take the place of Durnford and East as reporters.

After a third election as Governor, Tyler resigned his office on January 15, 1811, to accept, as stated, that of judge of the United States District Court made vacant by the death of Judge Cyrus Griffin.

JAMES MONROE, Governor,  
Jan. 16, 1811-April 3, 1811.

This was the second administration of Mr. Monroe, but as he remained in office less than three months, no distinguishing act of this interval is handed down to us. Monroe accepted the office of Secretary of State tendered to him by Mr. Madison, and on April 3 he resigned his office of Governor and was succeeded by George William Smith, the Lieutenant Governor.

GEORGE WILLIAM SMITH, Lieutenant and Acting Governor,  
April 3, 1811-Dec. 5, 1811; Governor,  
Dec. 5, 1811-Dec. 26, 1811.

G. W. Smith, as Lieutenant Governor, became acting Governor on April 3, 1811. He was elected Governor on December 5, 1811, but in a few days lost his life in the burning of the Richmond Theater, December 26, 1811. He was a son of Col. Meriwether Smith, a distinguished patriot of the Revolution and was born in 1762. He was a lawyer, member of the House of Delegates for Essex, 1790-1793, and for Richmond City, 1801-02, and 1807-08; of the Governor's Council, 1809; Lieutenant Governor, 1810-1811.

On the lamentable occasion of his death, the theatre was crowded with six hundred people. A new drama, "Father or

Family Feuds," was presented for the benefit of Henry Placide, a favorite actor, and it was followed by the pantomime of "The Bleeding Nun." The curtain had risen on the second act when a wild cry of fire was heard. There was a rush for safety, and in the frantic effort to escape many were trodden under foot and killed. Others were burned to death. Seventy persons were known to have perished. The fate of Lieutenant James Gibbon of the United States Navy, son of the hero who led "the forlorn hope" at Stony Point, and his betrothed bride, the lovely Miss Conyers, was most touching. They died locked in a mutual embrace. Benjamin Botts, one of Aaron Burr's lawyers and father of John Minor Botts, lost his life in endeavoring to save that of his wife. The same fate befell Governor Smith, who had reached a place of safety outside of the burning building, but returned to rescue his little son, John Adams Smith. The Senate and House of Representatives of the United States adopted a resolution to wear crape on the left arm for a month.

The Monumental Church (Episcopal) was erected in 1812 upon the site of the ill-fated theatre; and a marble monument, inscribed with the names of those who lost their lives, is still to be seen in the portico of the church under which the unfortunate victims were interred.

PEYTON RANDOLPH, Lieutenant and Acting Governor.

Dec. 26, 1811-Jan. 3, 1812.

Upon the death of Governor Smith, Peyton Randolph, as President of the Council of State, or Lieutenant Governor, acted as Governor for a few days, when James Barbour of Orange County was elected Governor by the Legislature. He was the son of Edmund Randolph and graduated at William and Mary College in 1798. Inheriting the genius of his progenitors for several generations he became early distinguished in the practice of his profession of the law. In 1821 he became the reporter of the Supreme Court of Virginia, but

died December 26, 1828, and was succeeded as reporter by the eminent Benjamin Watkins Leigh.

JAMES BARBOUR, GOVERNOR,

Jan. 4, 1812-Dec. 11, 1814.

James Barbour was the son of Thomas Barbour, a member of the House of Burgesses in 1769 and in 1775, and was born in Orange County June 10, 1775. He was a member of the House of Delegates from 1798 to 1811 and in 1831; Governor from 1812 to 1814; United States Senator from 1815 to 1825; Secretary of War from 1825 to May 26, 1828, when he was sent by President J. Q. Adams as envoy extraordinary and minister plenipotentiary to Great Britain. He was a man of commanding physique and noble mien, and President Adams greatly admired him. In his diary, he declared that he did not think the North could show his equal in ability. He was recalled by President Jackson in September, 1829, and he only again emerged from the retirement of private life to preside over the Whig convention at Harrisburg in 1839, when Harrison and Tyler were nominated. He died at his seat, Barbourville, June 7, 1842. To him is ascribed the authorship of the bill to establish the Literary Fund of Virginia and the anti-duelling law—one of the most stringent and effective legislative acts ever passed. Barbour County, now in West Virginia, was named for him.

Governor Barbour's term of office as Governor pretty nearly covered the period of the War of 1812. He rendered great assistance to the Government of the United States in the prosecution of the war. The people were enthusiastically loyal, and they viewed the course of Massachusetts as treasonable. This is the way an article in the *Richmond Enquirer* began: "Rebellion Foiled and Union Stronger. March 9, 1814. The Legislature of Massachusetts has struck their tents and gone home. Massachusetts threatened to secede and thus destroy the Union because the war with England was not

brought to an end. How unlike Virginia, which flew to the aid of Massachusetts when in 1776 the British made their attack upon Boston.”

But Virginia did not regard the Union as other than voluntary and would have shed no blood if Massachusetts had indeed withdrawn.

WILSON CARY NICHOLAS, GOVERNOR,

Dec. 11, 1814-Dec. 11, 1816.

He was a son of the celebrated patriot and Treasurer of Virginia, Robert Carter Nicholas, and was born in the city of Williamsburg January 31, 1761. He was a student at William and Mary College, which he left in 1779, at the age of eighteen to enter the army. His gallantry met with deserved promotion and he was made commander of Washington's Life Guards until its disbandment in 1783. After the Revolution he was a member of the House of Delegates in 1784-5 and 1785-6, supporting all measures of reform. In 1788 he was a member of the State Convention and defended the proposed Federal Constitution. After that he was a member of the House of Delegates from 1784 to 1789 and from 1794 to 1800, and in his two last sessions was a strong champion of the resolutions written by Mr. Madison advocating state sovereignty. In 1801 upon the accession of Mr. Jefferson as President, Mr. Nicholas was one of the leaders in the Senate of the United States in support of Jefferson's measures. In 1804 he resigned his seat, but in 1807 he was a candidate for the House of Representatives and was elected without opposition. In 1809 he was elected for a second term, but in the autumn of the same year he resigned because of a severe attack of rheumatism. In December, 1814, he was made Governor, and after a second election declined further service in that office. Succeeding this he served for a few months as president of the branch of the Bank of the United States, situated at Richmond. On the 10th

of October, 1820, he suddenly expired while in the act of dressing.

Mr. Nicholas' term of office began towards the end of the war of 1812 and the speedy announcement of peace in the spring of 1815 gave him but little opportunity to show his talents as a war Governor. The State had been left to its own resources during the war, and the adjustment with the Federal Government of the expenses thus incurred was zealously pushed by Nicholas. Foreseeing that as a result of repayment, the State would have command of a considerable fund, he urged in one of his messages that the proceeds to be derived from the Federal Government be applied to the purposes of education. The result was a recommendation from the Finance Committee of the House of Delegates, of which Charles Fenton Mercer was chairman, that the sum paid over by the Federal Government should go to the Literary Fund, established February 2, 1810, during the administration of John Tyler, Sr. An act was accordingly passed, and by December, 1817, most of the debt of the United States having been paid back, the Literary Fund had grown to nearly one million dollars.

Internal improvements also received his attention. He urged their promotion, and in response to his message the Legislature, on February 5, 1816, created "The President and Directors of Public Works," which was given the management of a fund to be created for internal improvements. This fund was to consist of "all the shares owned by the Commonwealth in The Little River Turnpike Co., the Dismal Swamp Canal Company, the Appomattox, Potomac and James River Canal Companies, in the Bank of Virginia and Farmers' Bank of Virginia, together with such dividends as may from time to time accrue on such shares, and such bonus and premiums as may hereafter be received for the incorporation of new banks or for the augmentation of the capitals or the extensions of the charters of existing banks." This Board, from the time of its creation, continued an important factor in the public economy

of the State till 1902, when its powers were vested in the present very useful "Corporation Commission."

The year 1816 witnessed among other things the beginning of steamboat navigation in Virginia. The *Powhatan* arrived from New York and began to make regular trips between Norfolk and Richmond.

JAMES PATTON PRESTON, GOVERNOR,

Dec. 11, 1816-Dec. 11, 1819.

James Patton Preston was a son of Col. William Preston, an active, enterprising citizen of the Southwest, and was born at "Smithfield," Montgomery County, June 21, 1774. He studied at William and Mary College about 1795, and in 1812 was appointed Lieutenant Colonel of the Twelfth Infantry, United States Army, and for gallantry was promoted August 15, 1813, to the rank of Colonel, and assigned to the command of the Twenty-third Regiment. He participated in the Battle of Chrystler's Field and was so severely wounded in the thigh that he was crippled for life. In recognition of his patriotic services he was elected by the General Assembly Governor of Virginia to succeed Wilson Cary Nicholas, December 11, 1816, and served in that capacity by annual re-elections until December 11, 1819. Subsequent to his gubernatorial service Mr. Preston was Postmaster of Richmond for several years. He finally retired to his home in Montgomery County, where he died May 4, 1843.

In his message in December, 1818, he states that the Federal Government had paid for advances during the War of 1812 the sum of \$1,693,014.62, and it is noteworthy that in the last year of his incumbency, on January 25, 1819, the law was passed establishing the University of Virginia in Albemarle County—upon a site near Charlottesville, which had previously belonged to Central College. This great institution has been termed "The Lengthening Shadow" of Thomas Jefferson.

who devoted the leisure of his retirement to its successful upbuilding.

THOMAS MANN RANDOLPH, GOVERNOR,

Dec. 11, 1819-Dec. 11, 1822.

He was son of Thomas Mann Randolph, who had served in the Committee of Safety during the American Revolution and frequently in the Legislature. His mother was Anne Cary, daughter of Col. Archibald Cary of "Amphill," Chesterfield County. He was born at "Tuckahoe," the family seat, in 1768, studied at William and Mary College and the University of Edinburgh and visited Paris in 1788, where Thomas Jefferson was then residing as Minister from the United States, having with him his daughter, Martha, whom Randolph married in 1790. He served in the House of Representatives from 1803 to 1807, and in the House of Delegates, 1819, 1823-24, 1824-25, and was Governor from December 11, 1819, to December 11, 1822. In the War of 1812 he served first as Lieutenant Colonel of the Light Corps on the Seaboard and afterwards on the Canada line, where he figured as Colonel commanding the Twentieth United States Infantry. He was very fond of botanical studies, being probably the best informed man in Virginia on these subjects during the time in which he lived. He died at Monticello June 20, 1828, aged sixty years.

Mr. Randolph's administration was marked by the excitement produced by John Marshall and the Supreme Court of the United States in reexamining the decisions of the State Supreme Court of Appeals through a writ of error. Mr. Randolph, in his messages, and the Legislature, through its resolutions, denounced the action of the Supreme Court of the United States as in violation of the Eleventh Amendment, the very object of which was to inhibit the dragging of a sovereign state before any tribunal without its consent. Both the Governor and the Legislature felt that such assumptions of power on the part of the United States would promote sectionalism rather

than unionism. In these cases, *McCulloch vs. the State of Maryland* and *Cohen vs. Virginia*, decided at this time, the principles asserted by Marshall were the very principles urged by Abraham Lincoln, a sectional President, in overturning the self-determination of the South and bestowing upon the North the government of the whole country.<sup>4</sup>

In his message December 23, 1821, Mr. Randolph gave the aggregate of the militia of the Commonwealth—infantry, cavalry and artillery—as 91,928 men. He also dwelt upon the narrow spirit manifested in some parts of the Union in opposition to religious freedom and said: “It is the glorious distinction of Virginia to have first fully removed the main cause of that frightful disorder of the public imagination, which has appeared in all ages, in other countries and even in some of these States during the short period of our history, which confounds piety with cruelty and makes religion give sanction to the most atrocious outrages against humanity.”

By an act of the General Assembly, March 1, 1821, the State ceded to the United States the lands and shoal at Old Point Comfort and the Ripraps for fortifications. Old Point Comfort had been the site of a fort since 1608—the earliest English fort in the United States.

The close of his administration was marked by the death of Spencer Roane, September 4, 1822, of the Supreme Court of Appeals, the brave advocate of States Rights, and the rival of John Marshall in the power of his intellect. Under the *nomme de plume* of “Algernon Sidney” he had written a series of very able letters against the decisions of the Supreme Court of the United States, in which he showed the obvious tendency was to give the North a monopoly of power and hasten the conflict of sections, whose fundamental differences no decisions of a court could remove. In this he showed a very clear insight.

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<sup>4</sup>Mr. Beveridge in his *Life of John Marshall*, IV, 293, 353 asserts this identity of Marshall and Lincoln.

JAMES PLEASANTS, GOVERNOR,

Dec. 11, 1822-Dec. 11, 1825.

Mr. Pleasants was son of James Pleasants and Anne Randolph, his wife, daughter of Isham Randolph of "Dungenness," Goochland County. He was born in Goochland County, October 24, 1769, attended private schools, and after studying law with Judge Fleming, began the practice of the profession with considerable success. In 1796 he was elected a delegate from Goochland, and served five sessions till 1802. As a Republican he supported the resolutions of 1798-1799. In 1803 he was chosen clerk of the House of Delegates and served until 1811, when he was elected to the House of Representatives. In Congress he supported Madison's policy on the War of 1812, and continued in the House till 1819, when he was appointed to the Senate of the United States, where he continued till 1822, when he was elected Governor. Mr. Pleasants subsequently served as a member of the Constitutional Convention of 1829-30, which was his last public position, for, though twice elected afterwards to judicial positions, such was his rare modesty that he declined acceptance from a distrust of his qualifications. His son, John Hampden Pleasants, was the famous editor of the *Richmond Whig*.

Mr. Pleasants' message of December 1, 1823, is very full on the conditions of the State. Returns from seventy-five counties showed that 6,105 indigent children had been sent to school in 1822 on the credit of the Literary Fund. The estimated revenue of the State for the year beginning October 1, 1822, was \$462,363.83, and there was a balance on the previous year of \$19,993.92. The sum to the credit of the Literary Fund was \$1,228,568.33. In January, 1825, an act was passed for the erection of another hospital for the insane to be created in the western part of the State, and Mr. Pleasants, in his message, mentioned Staunton as the place selected.

Taking its beginning from Monroe's recommendation in 1800 as a result of Gabriel's insurrection, the National Coloni-

zation Society was organized in December, 1816, at Washington to provide a home on the coast of Africa for the free negroes. Bushrod Washington of Virginia, nephew of General Washington, was the first president of the society. During Governor Pleasants' administration an auxiliary society was formed in Richmond November, 1823, of which Chief Justice John Marshall was elected president and Governor Pleasants vice president. Later on, January 23, 1824, the citizens of Richmond got together in a great meeting to express sympathy with the Greeks in their struggle with the Turks. There were also in 1824 the deaths of two prominent citizens of the State, Judge Fleming of the Supreme Court of Appeals, and Dr. William Foushee, who was one of Richmond's most public spirited citizens.

But the greatest event which happened in 1824 was the visit to the State of General La Fayette. He landed at Yorktown October 19, and during his stay in the Commonwealth, which, because of his associations, was the most beloved of all the States, he visited Williamsburg, Richmond, Petersburg and many other places, and everywhere the people turned out to receive him en masse. At Williamsburg, William and Mary College bestowed on him the degree of Doctor of Laws. He was given a great demonstration in Richmond and at a banquet at which Judge William Leigh presided La Fayette responded to the toast, "The State of Virginia; the City of Richmond," and Governor Pleasants to the toast, "The State of Virginia."<sup>5</sup>

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JOHN TYLER, Governor,

Dec. 11, 1825-March 4, 1827.

He was son of John Tyler and Mary Marot Armistead, his wife, and was born March 29, 1790. He attended William and Mary College in 1802 and graduated Bachelor of Arts, July 4, 1807. He studied law under Edmund Randolph and was sent to the House of Delegates in 1811. This was the beginning of a

<sup>5</sup>Christian, *Richmond: Her Past and Present*, 102.

long career of public service in which Mr. Tyler filled successively the offices of member of the House of Delegates, member of the Governor's Council, member of the House of Representatives, Governor, United States Senator, member of the Convention of 1829-1830, President (pro tem) of the Senate, Vice President of the United States, President, Commissioner to President Buchanan in 1861, member and President of the Peace Convention, and member of the State Convention of that year, member of the Provisional Congress of the Confederate States, and member-elect of the Confederate House of Representatives. His death occurred January 18, 1862.

During his administration of the affairs of Virginia Mr. Tyler earnestly devoted himself to the task of healing the sectional disputes which had long convulsed the State. He was zealous in supporting the Board of Public Works, in pushing canals and roads through the mountains, so as to bring the East and West closer together. Two ceremonies of dignity and importance graced the course of his first year. At the invitation of the Legislature he presented a sword to Commodore Lewis Warrington for his gallant service during the War of 1812, making a notable speech on that occasion. This was followed by the death of Thomas Jefferson on July 4, 1826, which stirred the profoundest feelings of grief in the State and Union. Thomas W. Gilmer communicated the sad tidings in a note which ran: "Charlottesville, July 4, 3 o'clock p. m. To the Editors of The Enquirer: Thomas Jefferson died today 10 minutes before one o'clock. Yours in great haste."

Immediately on hearing the news, which reached Richmond on July 6, Governor Tyler convened the council and submitted a set of resolutions<sup>6</sup> prepared by him which were unanimously adopted. These resolutions provided for placing the hall of the House of Delegates, the Senate Chamber and the Executive Chamber in mourning, for tolling the bell in the guardhouse, for the firing of minute guns and for badges of mourning to be worn by the council for one month. After a meeting of the

<sup>6</sup>*Letters and Times of the Tylers*, III, 57-59.

citizens of Richmond in the hall of the House of Delegates at which Andrew Stevenson addressed the meeting on the life and labors of Jefferson, Tuesday, July 11, was set apart as a day of public mourning. When the day arrived there was a funeral procession from the Henrico County Court House up E Street (Main Street) to Fifth, thence to H Street (Broad) thence down H Street to the Capitol. Here Bishop Moore opened the exercises with prayer, and Governor Tyler delivered an oration, which received many plaudits in the newspapers not only of the State but outside of the State.<sup>7</sup>

Everybody—Republican and Federalist alike—seemed to grieve over Jefferson's departure. It was a testimonial of interesting import that, just a month before, Chief Justice John Marshall, his great political antagonist, had consented to serve as chairman of a committee to receive subscriptions in pecuniary aid of Jefferson. This committee was appointed at a meeting of the citizens of Richmond on June 5, 1826, when Governor Tyler presided and Thomas Ritchie acted as secretary. July 4 was appointed as the day for making the subscriptions and it was a day especially suited to call to mind Jefferson's great work. The next newspaper that came out was July 7, but instead of announcing the results of the effort to raise money, it came with marks of deep mourning and announced the death of Thomas Jefferson.<sup>8</sup>

In his second annual message in December, 1826, Governor Tyler commented upon the defects of the educational system, which was entirely eleemosynary and devoted to the education of the poor. He professed himself in favor of a universal common school system and made suggestions to that end. The singular immunity from crime enjoyed by Virginia at this time was noticed by him. Out of 700,000 free white inhabitants only 136 were within the walls of a prison.

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<sup>7</sup>In after days Jefferson Davis said of Mr. Tyler: "As an extemporaneous speaker, I regarded him as the most felicitous among the orators I have known." *Letters and Times of the Tylers*, III, p. 183.

<sup>8</sup>Christian, *Richmond: Her Past and Present*, 106, 107.

On another subject Governor Tyler showed his interest. Virginia, during the American Revolution, had held out inducements in land bounties for military service. For the redemption thereof she had appropriated lands in Kentucky, West Virginia, and by the act ceding the Northwest, the land between the Sciota and the Little Miami rivers. But the erection of Kentucky into an independent State had cut short this provision and rendered it inadequate. So Governor Tyler in a message to the Legislature January 19, 1826, urged the claims as a duty imposed upon Congress. The Legislature did not act at once but when Mr. Tyler became Senator he moved for an inquiry into the matter on March 5, 1830, and soon after a bill was passed by Congress appropriating 260,000 acres in Illinois, Indiana and Ohio in satisfaction of the claims of the Virginia State line.<sup>9</sup>

Mr. Tyler did not remain Governor long enough to fill out his second term, being elected Senator in the place of John Randolph. On March 3, 1827, he sent a letter to the Legislature accepting the new honor conferred upon him, and resigned his position as Governor.

WILLIAM B. GILES, Governor,

March 4, 1827-March 4, 1830.

William B. Giles, son of William Giles and Anne Branch, his wife, was born in Amelia County, Virginia, August 12, 1762. He studied at Hampden-Sidney and Princeton Colleges, and from Princeton he went to William and Mary College to study law under the great law professor, George Wythe. From 1791 to 1803 he served in the House of Representatives, with the exception of one term, 1798-1800, when he served in the House of Delegates and supported Madison's famous resolutions and report. In Congress he opposed John Jay's treaty in 1794 and the war with France. In 1804 he succeeded Wilson Cary

<sup>9</sup>Statutes of the U. S., Vol. IV, p. 423; *Letters and Times of the Tylers*, I, 413-415.

Nicholas in the United States Senate and being reelected served till March 3, 1815. His failure to obey instructions in 1811 in voting for the United States Bank made him temporarily unpopular in Virginia, which was increased by his opposition to the Madison Administration. Mr. Giles was in private life from 1815 to 1825, when he was a candidate for the United States Senatorship, but was defeated by John Randolph. The next year he was elected to the Legislature and on March 4, 1827, succeeded John Tyler as Governor. He was a member of the State Convention of 1829-30, which convened on October 5, 1829, in the last year of his term. But he did not survive long the close of this memorable gathering which occurred on January 15, 1830. On December 4, 1830, he died at his residence, "The Wigwam," in Amelia County.

In his messages, while advocating an extensive system of internal improvements for the State, he denounced as contrary to the Constitution the intermeddling of Congress with the subject, and he was strong against the tariff. In a letter to the Virginia Senators, Tazewell and Tyler, he advocated earnestly the policy of laying an excise on goods imported from any other State equal to the duty levied by Congress. He made the telling point that "In distinct violation of the principle on which American independence was founded, this tariff imposed a tax, not by the representatives of the people bearing the burden but by representatives of a distinct section of the country, who did not participate in the burden of the tax."

The most important event of Giles' administration was the meeting of the State Convention. The Constitution adopted in 1776 had existed till this time without change. It presented a marked advance in the progress of democratic government, but was still in many ways a copy of the old Colonial order of government. Mr. Jefferson had not ceased to criticise it, and it was especially objectionable to the large counties of the western part of the State which had no greater representation than the small counties of the East. The transmontane demanded a white basis for representation, but the East, though unable to

defend equal county representation, insisted on a "mixed basis" of white population and property. Eastern Virginia demanded protection for its slaves, just as the Southern States had demanded and received representation for three-fifths of their slaves in the Constitution of the United States. Then most of the taxes came from the East. Little Warwick County, with its six hundred and eighty white persons, paid nearly one-third of the tax paid by the 14,000 persons inhabiting the large County of Monongahela.

After all theorizing about the fundamental principles of law and government, the question confronting the members was the union in one State of two dissonant factors, as existed in the Union itself. The argument of the West was a good one, if it meant separation, but it was subject to question, if the East was to remain united with a section which had a totally different set of interests to look after.

The Convention numbered in its membership of ninety-six men two ex-Presidents, Madison and Monroe; the Chief Justice, John Marshall; a future President, John Tyler, and many others distinguished on the bench and at the bar and included others who were yet to become Senators, Governors, members of Presidential Cabinets, ministers abroad and members of the Supreme Court of the United States. The East was led by A. P. Upshur, Benjamin Watkins Leigh, William B. Giles, Littleton Waller Tazewell and John Randolph of Roanoke, and the West by Philip Doddridge, John R. Cooke, C. J. Faulkner, Alexander Campbell and Lewis Summers. There were, however, several from east of the Blue Ridge, like William F. Gordon of Albemarle County, and Charles Fenton Mercer of Loudoun County, that believed, like the Western members, in an exclusive white basis.

A committee appointed to report on the subject was evenly divided, and many propositions were offered but none adopted. Till at last, when feeling had grown intense, a plan proposed by William F. Gordon, in the nature of a compromise, received the endorsement of the convention. The plan ignored the



JOHN RANDOLPH OF ROANOKE

basis question entirely and simply attempted an equitable distribution of the representation. This adoption was accomplished by a union of the valley counties with the East and was not satisfactory to the West, which threatened secession.<sup>10</sup>

The net result of the work of the convention was to do away with county representation altogether, to reduce the council from eight members to three, to extend the suffrage to leaseholders and householders, but the government of the counties was allowed to remain in the hands of the justices as of old, under the controlling power of the Legislature. When submitted to the people the Constitution was ratified by 26,055 votes for acceptance to 15,566 for rejection.

JOHN FLOYD, Governor,

March 4, 1830-March 31, 1834.

John Floyd was born in Jefferson County, Virginia, April 24, 1783, son of Col. John Floyd, a prominent citizen of the Southwest. He attended Dickinson College, Pennsylvania, studied medicine at the University of Pennsylvania, and settled in Montgomery County. He was appointed a justice of the peace in 1807, major of the militia in 1808, surgeon of the Virginia line in 1812, and the same year was elected to the House of Delegates. Later he was made brigadier-general of militia in the State. In 1817 he was elected to Congress, and was one of the leaders of the Republican party in the House. He opposed the administration of John Quincy Adams (1825-1829) and aided largely in the election of Jackson (1828). He was a strong expansionist and introduced the first bill for the occupation and settlement of Oregon. He became Governor of Virginia March 4, 1830, and when his year was out he was reelected by the Legislature for a term of three years under the new constitution framed by the convention sitting at the

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<sup>10</sup>Gordon, *Life of William Fitzhugh Gordon*, 152-183; Ambler, *Sectionalism in Virginia*, 161-170.

time of his inauguration, being the first Governor to serve under that instrument, an honor of which he was proud. He was in poor health for some time previous to the expiration of his term, and he died from paralysis, at the Sweet Springs, Montgomery County, August 15, 1837.

Three notable incidents distinguish his administration—the nullification controversy, Nat Turner's Insurrection, and the running of the first rail cars employing steam power. The history of the former has been given in another chapter, and the sympathetic stand taken by Floyd in his messages procured for him the vote of South Carolina as President of the United States. Nat Turner's Insurrection took place in Southampton County, south of the James River, in the summer of 1831. It was a result of abolition propaganda, which was now becoming quite active in the North. Nat Turner, the swarthy leader, attacked his master's house, killed him, his wife and children with an axe, and with his band of enthusiasts put to sudden and violent death sixty-one persons, almost all of whom were women and children. Governor Floyd took prompt steps to suppress the insurrection, called out the militia, and captured Turner, who, together with others prominent in the affair, was tried for murder and executed on the gallows. Some of the sentences to death, however, were commuted by Floyd to imprisonment or deportation, and some of the negroes he pardoned. The third event was the opening in the summer of 1833 of the railroad from Petersburg to Roanoke Falls in North Carolina, chartered in 1829-30.

As a result of Turner's uprising, many petitions and memorials were sent to the Legislature of 1831-32, and were referred to a select committee composed of twenty-one members, of whom sixteen were from counties east of the Blue Ridge. Some days later William O. Goode, of Mecklenburg, the leader of the slave interests, moved that the committee be discharged from the consideration of the petitions, and "that it is not expedient to legislate on the subject." Then Thomas Jefferson Randolph, son of Governor Thomas Mann Randolph,

and grandson of Thomas Jefferson, moved as a substitute Jefferson's postnatal scheme of 1779 for the gradual abolition of slavery. After three days' discussion the committee made a report to the effect that "it is inexpedient for the present to make any legislative enactment for the abolition of slavery." William Ballard Preston proposed a resolution as a substitute for the report, declaring the expediency of a legislative enactment on the subject. This was defeated by a vote of ayes 58, noes 73. Then Archibald Bryce, of Goochland County, proposed to amend the report of the committee by prefixing the following preamble:

"Profoundly sensible of the great evils arising from the colored population of the Commonwealth, induced by humanity as well as policy, to an immediate effort for the removal in the first place of as well as those now free or of such as may hereafter become free, believing that this effort, while it is in just accordance with the sentiments of the community on the subject, will absorb all our present means; and that a further action for the removal of the slaves should await a more definite development of public opinion. Resolved, etc."

This preamble was adopted by a vote of 67 to 60, and, thus amended, the report of the Select Committee was passed.

This incident in Virginia history is interesting historically as showing that there was a strong sentiment abroad in the State even at this late period for the abolition of slavery, which might have grown to greater proportions but for the conscienceless warfare waged by the abolitionists of the North, inciting to murder and incendiarism. The violent crusade undertaken by them against slavery closed the avenues of public expression in Virginia, and it finally became almost impossible for anyone in the State to talk openly, as so many speakers did in this Legislature. It forced even men in West Virginia, like George W. Summers and John S. Carlisle, the last prominent in promoting the disruption of the State in 1861, into a position<sup>11</sup> that slavery was "a social, political and religious blessing."

<sup>11</sup>Munford, *Virginia's Attitude Toward Slavery and Secession*, p. 228.

In the eyes of William Lloyd Garrison, a leader in abolitionism, even Daniel Webster was a "monster" because of his respect for the Constitution, and in the eyes of Wendell Phillips Abraham Lincoln was a "slave hound" for a somewhat similar reason.<sup>12</sup> But such epithets applied to Northern men were mild when compared with those applied to Southerners by the abolitionists. Governor Floyd was in thorough sympathy with the movement in the Legislature for the abolition of slavery, and used his influence in its favor,<sup>13</sup> till the heat of debate suggested a more politic stand.

On another subject, that of internal improvements, Floyd had advanced ideas. Besides recommending help to the James River and Kanawha Canal, he recommended a railroad extending to the salt, lead, iron and gypsum mines of the Southwest. The proposed highway through Fredricksburg, Richmond and Petersburg, connecting the North with the South, and the Valley turnpike also received his endorsement.

<sup>12</sup>Ibid, p. 220.

<sup>13</sup>Ambler, *Life and Diary of John Floyd*, p. 91.

## CHAPTER VII

### DOMESTIC HISTORY, 1789-1861 (Continued) ADMINISTRATIONS OF THE GOVERNORS, 1834-1861

LITTLETON WALLER TAZEWELL, Governor,

March 31, 1834-April 30, 1836.

Mr. Tazewell was the son of Hon. Henry Tazewell, who was one of the Revolutionary patriots and constantly in the public service as a member of the House of Delegates from Brunswick County 1776-1778, and from Williamsburg 1779-1786, a member of the Convention of 1776, as Judge of the General Court 1785-93, and of the Supreme Court of Appeals 1793, and as a member of the Senate of the United States 1794-99. He was born in Williamsburg December 17, 1774, and graduated from William and Mary College in 1792, studied law under John Wickham, of Richmond, and in 1796 was admitted to the bar. In 1798 he was elected to the House of Delegates from James City County and remained a member till 1801. He supported Madison's resolutions of 1798 and report of 1800. When John Marshall resigned from Congress, on being appointed by John Adams Secretary of State, Tazewell was elected by the people of the Richmond District to fill out his unexpired term. While in Congress Mr. Tazewell supported Jefferson in the presidential election, and opposed the attempt to place Burr in the presidency. He moved to Norfolk in 1802, where he gained much fame as a lawyer. In 1804-05 and 1805-06 he represented Norfolk in the Legislature. That city was Federalistic in its politics on account of its commercial interests, and this doubtless influenced Mr. Tazewell to oppose the embargo and the War of 1812.

After the war started, however, he loyally and patriotically yielded his support to Madison's administration. In 1816 he was once more in the House of Delegates as the representative of Norfolk City, but served only a single term. Under Monroe he was one of the United States commissioners instrumental in the purchase of Florida from Spain. In 1824 Tazewell was elected to the Senate of the United States and in that year supported Crawford for the Presidency. Four years later, in 1828, he gave his support to Andrew Jackson as a choice of evils, being disgusted with the latitudinarian views of Mr. John Quincy Adams as represented in his messages. Jackson in 1829 offered him the mission to England, which he declined. In November, 1832, he retired from the Senate, induced by the calls of private business and sickness in his family. In the meantime, he had served in the Convention of 1829-30, in which he was one of the influential members. He joined the new Whig party formed in 1834 of all the opponents of Jackson, denouncing the proclamation against the South Carolina movement, though he did not approve the doctrine of nullification. In January, 1834, he was elected Governor and entered upon his duties March 31 following. When the Legislature framed and adopted resolutions for removing the deposits from the United States Bank he resigned April 30, 1836, and retired to his elegant seat in Norfolk, never afterwards to appear in public service. He was revered in Virginia for his great ability; and his appearance was majestic and commanding. Both John Tyler and John Floyd regarded him as an abler man than either Webster or Calhoun. He died in Norfolk May 6, 1860.

In his message of December 1, 1834, Mr. Tazewell discussed the question of the relation of the States to the Union and opposed the National or rather Sectional interpretation. An act of the Virginia Legislature of April 8, 1831, appointed Thomas W. Gilmer of Albemarle as commissioner to investigate the claim of Virginia on the United States for and on account of the promise contained in an act of the General

Assembly May, 1779, to give the officers of the Virginia line in the Revolution half pay for life. John Floyd, while Governor, had pressed the responsibility of these claims upon Congress, and Congress by an act July 5, 1832, agreed to pay over to Virginia the sum of \$380,888.66 already paid by the State, and to satisfy the unpaid judgments. In this message Governor Tazewell stated that the money had been received and that it had been used to pay what remained of the State Debt and to increase the Literary Fund.

In his second annual message December 7, 1835, Governor Tazewell took notice of the slavery agitation, severely condemning it as unfriendly to the existence of the Union. A pile of incendiary pamphlets was publicly burned in front of the postoffice in Richmond.

Some notable deaths threw sadness over his administration. June 24, 1834, the papers in Richmond appeared in mourning for the death of the good and great LaFayette. He died in Paris May 20, 1834, in the seventy-sixth year of his age. On July 30, 1835, died Major James Gibbon, who led "the forlorn hope" at Stony Point during the American Revolution. But the most notable death was that of John Marshall, who despite his Federalistic views, which the majority of Virginians never approved, was admired by all because of his remarkable powers of mind, the purity of his private life, and the amiability of his temper. He died at Philadelphia July 6, 1835, and his remains arrived in Richmond July 9 on the Steamer *Kentucky*. A great procession of citizens, civil and military, escorted his remains to their burial place in Shockoe Cemetery.

WYNDHAM ROBERTSON, Lieutenant and Acting Governor,  
March 30, 1836-March 31, 1837.

On March 30, 1836, Mr. Robertson became senior member of the Council and as such Lieutenant Governor, and on the same day by the resignation of Governor Tazewell succeeded

him for the remaining year of his term as acting Governor of Virginia. He was a son of William Robertson and Elizabeth Gay Bolling, his wife, and was born January 26, 1803. He was a graduate of William and Mary College in 1821, and entering upon the study of the law was admitted to the bar in 1824. He travelled in Europe, and in 1833 was made a member of the Council of State. March 30, 1836, he became Acting Governor, and after serving his year out retired to private life. Soon after he moved to the country and engaged in agriculture. In 1858 he returned to Richmond and in 1860 acquiesced in the wishes of his constituents to serve them in the Legislature. In this body he was a strong Union man, but, as the organ of a committee reported on January 7, 1861, the resolution known as "the Anti-Coercion resolution," declaring the purpose of Virginia, if a war of coercion was undertaken by the Federal Government to fight with the South. The resolution was adopted. After the secession of Virginia Mr. Robertson gave all the assistance he could to the State government and the Confederacy. He was an ardent student of history and two of his contributions, "The Marriage of Pocahontas" and "The Descendants of Pocahontas," of which he was one, have permanent value.

In his first message to the Legislature Governor Robertson called further attention to the abolition movement, designating it as "a mad fanaticism," the march of which, if unchecked, "could well be over violated faith, the rights of the slave-holding states, chartered liberty and the cause of humanity itself." The Legislature adopted resolutions in January, 1836, warning the North for the peace of the country to regard the rights of the States.

There was a meeting of the Colonization Society in Richmond at which John Tyler was elected president and James Madison one of the vice presidents.

A notable death occurred. The solemn announcement was made in the papers of July 5, 1836, that the "Father of the Constitution," James Madison, was no more. A great pro-

cession was had in Richmond, and the people in Virginia turned out everywhere to honor the great President.

During this year the first railroad to Richmond was projected, the Richmond and Petersburg Railroad. Books were opened at the Eagle Hotel in Richmond for the subscription of stock. W. H. McFarland was made president and Moncure Robinson was made engineer. The enterprise was scarcely organized before the books were opened for the Richmond and Louisa R. R.

DAVID CAMPBELL, Governor,

March 31, 1837-March 31, 1840.

Mr. Campbell was born at "Royal Oaks," Botetourt County, August 2, 1779, son of John and Elizabeth (McDonald) Campbell. He had only such education as the frontier afforded in private schools. In his fifteenth year he was made ensign of militia, and he was afterwards engaged in the clerk's office at Abingdon. In 1799 he organized a light infantry company, of which he was captain. He then studied law, but never practiced. He was deputy clerk of Washington County from 1802 to 1812. July 6, 1812, he was made major of the Twelfth United States Infantry, promoted to lieutenant colonel, Twentieth Regiment; participated in the St. Lawrence River campaign, and incurred such rheumatic ailments that he resigned June 28, 1814. Returning home he was aide de camp to Governor James Barbour, soon afterwards commissioned brigadier-general, and appointed colonel of the Third Virginia Cavalry January 25, 1815. He served as County Clerk till 1820, when he was elected a State senator and served in that capacity till 1824. In that year he was made Clerk of Washington County, holding until March 31, 1837, when he became Governor. He had supported Jackson for the Presidency, but after the Democratic party brought forward the sub-treasury and standing army measures, he became an active member of the new Whig party, formed of many elements.

In his message to the Legislature January 1, 1838, Governor Campbell reviewed the history of the banks and public improvements, and one of his suggestions was a better engineering corps. He noted that the interest on the Literary Fund available for tutoring the poor was \$84,177.85, and he recommended that the increasing surplus be applied to the endowment of common schools throughout the State. The expenses of the Commonwealth was announced by him as \$437,181.92.

In his message of January 7, 1839, he expressed his dissatisfaction with the eleemosynary nature of the existing system of education, and recommended a system of popular instruction to be paid for by the interest derived from the Literary Fund and an appropriation of \$200,000 by the State Legislature.

Governor Campbell's administration covered a period of hard times in the United States. A great deal of money had been spent in internal improvements and the speculation spirit had been rampant. The banks in New York, Philadelphia and other places suspended specie payments, and the banks in Richmond had to follow suit. Governor Campbell called an extra session of the Legislature, which met June 12, 1837, and passed acts for the relief of the banks and to stay executions.

Notwithstanding the hard times the work on railroads and canals was carried forward. The Richmond and Petersburg Railroad was completed May 11, 1838, as far as Manchester. The passengers had to walk over Mayo's bridge.<sup>1</sup> The Richmond and Louisa Road was opened December 21, 1837, to Frederick Hall.

THOMAS WALKER GILMER, Governor,

March 31, 1840-March 20, 1841.

Mr. Gilmer was born at Gilmerton, Albemarle County, 1802, son of George Gilmer and grandson of George Gilmer

<sup>1</sup>Christian, *Richmond: Her Past and Present*, p. 137.

of "Pen Park," Albemarle County. He was educated by private tutors and studied law under his uncle, Peachey R. Gilmer, at Liberty, Bedford County. He was a delegate in 1825 to the Staunton Convention called to agitate for a constitutional convention; editor of the "Virginia Advocate" in 1828, during the Jackson presidential campaign, and member of the House of Delegates from 1829 to 1840, serving as speaker in 1838 and 1839, and later was appointed by Gov. John Floyd to prosecute the Revolutionary claims of the State. In this he was successful. He supported Jackson for the Presidency in 1828 and 1832, but when Jackson issued his proclamation against South Carolina Mr. Gilmer aided in the formation of the Whig party, with hundreds of other Democrats. He became Governor March 31, 1840, but resigned in less than a year on March 20, 1841.

He was immediately elected to Congress and gave his support to President Tyler, when Mr. Clay ruptured the Whig party by insisting on a bank and protective tariff repudiated by him in the late canvass. He was a strong advocate of the annexation of Texas and was called to the Navy Department by President Tyler, but came to his death by an explosion on board the Steamship *Princeton* in less than two weeks after his appointment. He married Anne E. Baker, daughter of John Baker of Shepherdstown, West Virginia, a lawyer employed in the defence of Aaron Burr in 1802. Gilmer County in West Virginia was named for Mr. Gilmer.

Upon his election as Governor Mr. Gilmer made a tour of the State to examine all public works, and defrayed all his expenses out of private funds. His message December 1, 1840, reviewed the manufactures of the State, enumerating among them manufactures of cotton cloth, ink, paper and glass. He stated there were in the State 3,119 common schools, and 26,732 poor children received instruction. Mr. Gilmer did not serve as Governor very long, because of a complication in the Legislature. He got into a dispute with

Governor Seward, of New York, over certain slave stealers. He made a demand for their surrender, and when Seward declined to give them up, Gilmer refused to honor a requisition made upon him for certain criminal refugees from New York. When the Legislature refused to support him in this position, Gilmer sent to the Legislature an able message in vindication, and resigned the chair of State March 20, 1841.

His term was filled out by the Senior Councillors. John Mercer Patton was Acting Governor for 11 days, John Rutherford for one year, John Munford Gregory from March 31, 1842, to January 5, 1843.

JOHN MERCER PATTON, Lieutenant and Acting Governor,  
March 20, 1841-March 31, 1841.

He was a son of Robert Patton, a native of Scotland and merchant of Fredericksburg, Virginia, and Anne Gordon Mercer, daughter of Gen. Hugh Mercer, who fell at Princeton in 1777. He was born August 10, 1797. He was liberally educated and practiced law in Fredericksburg. In 1830 he was elected to Congress, and served till 1838, when he returned to Richmond and was elected to the Council of State and as Lieutenant Governor succeeded to the duties of chief executive on the resignation of Governor Thomas Walker Gilmer. In 1849 he was associated with Conway Robinson in a revision of the Code of Virginia. He died in Richmond October 28, 1858, and was buried in Shockoe Hill Cemetery.

His occupancy of the executive chair—only eleven days—was not distinguished by any notable event.

JOHN RUTHERFOORD, Lieutenant and Acting Governor,  
March 31, 1841-March 31, 1842.

John Rutherford, born in Richmond December 8, 1792, was a son of Thomas Rutherford, a distinguished merchant of

Richmond and able political writer. He was educated at Princeton College, studied law, but practiced it for only a short time. He was many years president of the Mutual Assurance Society, the first insurance company in the State; also first captain of the Richmond Fayette Artillery and rose to the rank of colonel. He was a States rights man, supported William H. Crawford in 1824, and Andrew Jackson in 1828 and 1832 as a choice of evils. When Jackson issued his proclamation against South Carolina, Rutherford, like John Tyler, Littleton Waller Tazewell and William F. Gordon, joined the ranks of the Whigs, then forming of many elements of opposition. In 1837 he, like Gordon and Calhoun, returned to the ranks of the Democrats on the issue of the Independent Treasury, which the Democrats now put forward to take the place of the National Bank. From 1826 to 1839 he was a member of the House of Delegates, and in the latter year became a member of the Council of State. On March 31, 1841, as Senior Councillor, he succeeded John M. Patton as Acting Governor. After a year of service he retired to private life, dying at Richmond August 3, 1866.

During his administration Governor Rutherford continued with much ability the correspondence with Governor Seward of New York regarding slave stealers, begun by Governor Gilber. This correspondence was only another exposure of the discordant nature of the Union.

The coming of Charles Dickens to the State was perhaps the most notable event of his year of office. He stopped first in Washington where he called upon President Tyler, whose "whole carriage and demeanor" received from the critical Englishman the favorable comment of "becoming his station singularly well." He afterwards came to Richmond. Mr. Ritchie, editor of the *Richmond Enquirer*, presided at a banquet given to him in Richmond on the night of March 18, 1842. Mr. Ritchie sat on his right hand and Governor Rutherford sat on his left. There was great enthusiasm.

JOHN M. GREGORY, Lieutenant and Acting Governor,  
March 31, 1842-January 5, 1843.

He was the son of John M. Gregory, Sr., and Letitia Graves, his wife, and was born in Charles City County July 8, 1804. He was a descendant of early settlers in Virginia, and his grandfather John Gregory was killed in action during the Revolution.

His elementary education was acquired at "the Old Field School." He taught school in James City County, and in 1830 he graduated as Bachelor of Laws at William and Mary College. He was a member of the House of Delegates from James City County from 1831 to 1841, when he was elected by the Legislature a member of the Council of State. As Senior Councillor, he succeeded John Rutherford as Acting Governor till January 5, 1843, when he was succeeded in the executive office by James McDowell. This was in accordance with an act of the Legislature, passed December 14, 1842, which provided that the term for which the Governor was to be elected hereafter should run for three years.

In 1853 Mr. Gregory was appointed United States District Attorney for the Eastern District of Virginia, in which office he served till the year 1860, when he was elected judge of the Sixth Judicial Circuit of Virginia, serving in this capacity till 1866. At this date he was removed from office by the Federal military officer, and, resuming his practice as a lawyer, was soon elected Commonwealth's Attorney of Charles City County. This post he held till 1880, when he resigned on account of his age and retired to Williamsburg, where he died in 1888. He married Amanda Wallace of Petersburg, Virginia, and left a large family.

JAMES MCDOWELL, Governor,  
Jan. 5, 1843-Jan. 1, 1846.

He was the son of Col. James and Sarah (Preston) McDowell, and was born at "Cherry Grove," Rockbridge County,

October 11, 1795. He went to college at Yale and Princeton, and studied law under Chapman Johnson, but never practiced. He entered the House of Delegates in 1830, and remained in that body till 1838. He became a leader, and after Nat Turner's Insurrection he advocated the gradual abolition of slavery. He was a Democrat, and supported Andrew Jackson on the Force Bill and made a brilliant speech against nullification in 1833. This made him a rival of John Tyler for the Senatorship, but he was defeated, and John Tyler's opposition to the Force Bill was endorsed by the General Assembly. On January 1, 1843, he was elected Governor, and after serving three years was elected to the House of Representatives, succeeding his brother-in-law, William Taylor, who died January 17, 1846, serving until 1851, with conspicuous ability. His most memorable effort in Congress was his speech favoring the admission of California to the Union. He died at Lexington, Virginia, August 24, 1851. He married his cousin Susan, daughter of Gen. Francis Preston and Sarah B. Campbell, his wife, daughter of Gen. William Campbell, the hero of King's Mountain.

In his message of December 4, 1843, he noticed the public debt, which amounted to \$7,350,000, of which the State held \$1,386,000 and the citizens \$2,977,000. The rest was owned by foreigners and citizens of other States. His disquisition on internal improvements was very modern in its character and has a familiar ring to all who read about good roads in this day:

“Such, indeed, are the improvements almost everywhere accompanying these roads, the new settlements, the better agriculture, the accumulating comforts of all kinds, the enhanced values of houses and lands, that the opinion is confidently expressed that not only in these respects but in the actual additional revenue which is brought by these means into the treasury, the State has a fair dividend, the perpetuity of it considered, upon her portion of the money expended upon them.” He described the roads improved in the State as of great aggregate extent and cost.

The sentiments upon the abolition agitation of a man who had approved Jackson's Force Bill is worthy of notice. "If, however, nothing should at last be done, Virginia cannot but deplore such an event more than ever, because more than ever portending a period when she and every other Southern State may be compelled to appeal to their own rights of reserved and ultimate sovereignty—for that perfect safety which they had fondly hoped it was competent for their Federal compact to afford."

In his message of December 2, 1844, McDowell went largely into the subject of the common schools, condemning the existing system as insufficient and he returned to the subject again in his message of December 1, 1845. He had this saving paragraph, "that the number of pupils at the University, colleges, academies and classical and grammar schools of the state, though something less than 2 per cent of the whole population, was greater, nevertheless, than is to be found in any of the States, except New England, and is less than it is there only by an inconsiderable fraction."

It was largely under the influence of the Governor that the Legislature passed an act at the session of 1845-46 establishing the free school system in such of the counties where two-thirds of the voters were in favor of them. A number of the counties availed themselves of this authority, such as Norfolk County, King George, Elizabeth City, Loudoun, Fairfax, Clarke, Kanawha, Culpeper, Marshall and Ohio.

WILLIAM SMITH, GOVERNOR,

Jan. 1, 1846-Jan. 1, 1849.

He was born in King George County, Virginia, September 26, 1797, son of Caleb Smith and Mary Waugh, his wife. He was educated at private schools and qualified to practice law in Culpeper County in 1819. In 1827 he obtained a contract for carrying the mails twice a week from Fairfax C. H. to Warrenton, and thence to Culpeper C. H. He renewed the

contract in 1831, and with this small beginning built up a large business as mail contractor in the Southern States. In a fierce attack made by the Whigs on the Postoffice Department as conducted by W. T. Barry, Senator Benjamin Watkins Leigh referred to Mr. Smith because of the numerous extra charges made by him as "Extra Billy." The sobriquet became fixed upon him, but in good sense, as his claims were just, and well characterized the extraordinary abilities possessed by him. He was a Democrat in politics, and in 1841-43 he served in the Congress of the United States. In January, 1846, he became Governor, and after a service of three years he removed to California, where he was president of its Constitutional Convention. He returned to Virginia in 1852, and in May, 1853, was reelected to Congress, in which he served until March 4, 1861.

War breaking out soon after, Mr. Smith though sixty-four years of age offered his services and was appointed by Governor Letcher Colonel of the Forty-ninth Virginia Infantry. He bore himself gallantly in numerous engagements and was promoted to Brigadier and Major General. After a brief service in the Confederate Congress he was again elected Governor January 1, 1864, and when Richmond was evacuated in April, 1865, he removed the seat of government to Lynchburg and afterwards to Danville, surrendering the executive office May 9, 1865. After the war he engaged in farming at Warrenton. In 1877 though eighty-one years of age he was reelected to the State Senate and the next year came within a few votes of election to the United States Senate, and soon after retired to private life. He was a warm temperance man, abstained from both tobacco and ardent spirits, and was a model of politeness and chivalry. He died at Warrenton, Virginia, May 18, 1887, aged ninety years.

As Governor his administration partook largely of his characteristic vigor and enthusiasm. The Mexican war was then in progress, and on all matters connected with it he was prompt, energetic and progressive. The same spirit animated

him on purely domestic questions. He recommend in the strongest terms the extension of the old Richmond and Louisa Railroad, now the Chesapeake and Ohio Railroad, to the town of Charlottesville and across the Blue Ridge on to Covington to connect Richmond with the Southern and Western States, so as to ensure the trade and travel to that city. His views were not acted upon at once, but it was not many years later that they were. He projected and executed valuable changes and reforms in the capitol square and public grounds, the utility and beauty of which may be seen to this day.<sup>2</sup>

The treaty of peace was ratified by Mexico May 19, 1848, and Richmond citizens gave a dinner to the Virginia Regiment on the return home August 5 of the same year.

JOHN B. FLOYD, Governor,

Jan. 1, 1849-Jan. 1, 1852.

John Buchanan Floyd was born at "Smithfield," Montgomery County, June 1, 1806, eldest son of Governor John Floyd and Letitia Preston, his wife. He was graduated from the College of South Carolina in 1826, and began the practice of law in 1828. He resided in Arkansas from 1836 to 1839, then came back to Virginia and settled in Washington County, where he pursued his law practice. He served in the House of Delegates at the sessions of 1847-48, 1848-49 and 1855-56. He became Governor of the State January 1, 1849, and served three years. In 1857 he was made Secretary of War by President Buchanan, and performed his duties with great success and efficiency. He disapproved of South Carolina in 1860, and directed Major Anderson to hold Fort Moultrie "at any cost." But he was hopeful of peace and when Major Anderson without orders moved his garrison to Fort Sumter, Floyd considered that the status quo, which the administration promised the South Carolina authorities to observe, had been violated, and on the refusal of the President to retire

<sup>2</sup>Smith, *Life of Governor William Smith*.

the troops he resigned his office. He returned to Virginia, and on May 23, 1861, was made brigadier-general in the Confederate army, and held command with General Wise in West Virginia. He was transferred to Tennessee, and in February, 1862, extricated his command by a movement at night from Fort Donnellson. He fell under the displeasure of President Davis for thus leaving Generals Pillow and Buckner whose troops were captured at the fort, and was relieved of his command. The Legislature of Virginia did not approve of this treatment, and made him major general in the State service, and directed him to recruit and organize a division of troops from among the classes not embraced in the conscription of the Confederacy. He raised 2,000 men and operated on the Big Sandy River with success. Shortly afterwards, however, he was attacked with cancer of the stomach and forced to return home. He died near Abingdon, Washington County, Virginia, August 26, 1863. General Floyd married early in life his cousin Sarah Buchanan, but left no children.

For many years Floyd was a favorite subject of attack by Northern writers. He was unjustly charged with scattering the army in order to promote secession, but Floyd was opposed to secession and Adjutant General Townsend shows that the changes in the station of troops during Floyd's incumbency of the war office were unimportant. He was also charged with sending arms to the South, but an investigation showed that the South received far less than its quota under the law of Congress. After his resignation he was indicted for alleged complicity in the abstraction of certain bonds of the Indian Trust Funds in the Department of the Interior. He was also indicted for alleged malversation in office. On hearing of it he returned to Washington, gave bail and demanded a trial. The court records show that on March 7 a *nolle prosequi* in the first indictment was entered, and that on March 20, 1861, the malversation charge was quashed.<sup>3</sup>

<sup>3</sup>*John B. Floyd, A Defence*, by Robert M. Hughes, in *Tyler's Quarterly* II, 154-156, and see also *Tyler's Quarterly* V, No. 2.

Floyd's administration as Governor was able and efficient. His messages are eloquent on the two great subjects of internal improvements and schools. His administration was marked by two great happenings—the dedication of the great Crawford monument in the Capitol Square at Richmond and the meeting of the Constitutional Convention of 1850-51.

During the preceding administration a committee appointed by the Virginia Historical Society appeared before the Legislature and, calling attention to the fact that there was then in the treasury \$41,733 donated by private individuals for a monument to Washington, asked that the work be taken up and carried to completion. A bill to do this was passed February 22, 1849. The plan of Thomas Crawford, of Philadelphia, was accepted, and his model was placed in the Capitol. One year later the corner stone was laid, and it was a memorable day in the history of the State. There was a great celebration, and the largest crowd that Richmond ever saw gathered in the city. Among the guests were Gen. Zachary Taylor, President of the United States; Millard Fillmore, Vice President; John Tyler, ex-President; J. M. Clayton, Secretary of State; W. M. Meredith, Secretary of the Treasury; W. B. Preston, Secretary of the Navy; George W. Crawford, Secretary of War; Thomas Ewing, Secretary of the Interior; Jacob Collamer, Postmaster General; W. H. Devins, President of the State Senate, and H. L. Hopkins, Speaker of the House of Delegates, and the members of the General Assembly. This monument—a splendid grouping of figures, with an equestrian statue of Washington surmounting all—cost when completed \$259,913.26. Mr. Crawford, the sculptor, died of a cancer, in London, October 10th at the age of forty-seven, and the work was completed by Randolph Rogers.

It was a short time after this that the people of Richmond honored the deaths of John C. Calhoun and President Zachary Taylor by suitable exercises and ceremonies.

The other important event—the meeting of the Constitutional Convention—occurred in Richmond October 14, 1850.

John Y. Mason was elected president and Stephen D. Whittle, secretary. It adjourned after a few days to await the census of that year. It reassembled January 6, 1851, and remained in continuous session till August 1. The West had largely increased in population and property, and more attention was paid to its complaints. The net result of deliberations was that figures were adopted for representation in the House based on white population, which gave the West the majority, and in the Senate the mixed basis of population and property was adopted which gave the East the majority, but the suffrage was extended to every male white citizen of the Commonwealth, and the voters were to elect the members of the Board of Public Works, the Governor, judges and county officials. The Governor's term was extended to four years. The constitution was ratified by the overwhelming majority of 75,784 to 11,063.

JOSEPH JOHNSON, Governor,

Jan. 1, 1852-Jan. 1, 1856.

Joseph Johnson, the second son of Joseph and Abigail Johnson, was born in Orange County, New York, December 10, 1785. When he was but a lad, his parents removed to Harrison County, Virginia, which was his home for over seventy years. He was captain in the War of 1812. He was elected to the House of Delegates in 1815 and remained a member by successive elections till 1822. He defeated the eloquent and able Philip Doddridge for Congress in 1823 and was reelected in 1825. After his term was out, he retired to private life but on the death of Philip Doddridge November 19, 1832, he was elected to fill the vacancy caused by it. After another interval, Mr. Johnson was elected to Congress in 1835 and served as a Democrat continuously till 1841, when he declined reelection and supported Samuel L. Hays, who, however, was defeated by the Whig candidate, George W. Summers. In 1845 Mr. Johnson was again elected to Congress, this time over Col.

George D. Camden. This was the seventh time he had been elected to Congress. After his term was out he declined reelection but his constituents then elected him to the House of Delegates, in which he served in the session of 1847-48. He was a member of the Constitutional Convention of 1850-51, and was chairman of the Committee on Suffrage. In the autumn after the convention he was elected Governor over the Whig candidate, George W. Summers, under the provisions of the new constitution, he being the first Governor to be elected by the popular vote, and the first and only Governor from the section now comprised in West Virginia. After his term was out, he retired to his farm in Harrison County, and held no other offices. When the war broke out he advised his people to side with the South. During the war he took refuge with the Confederates, but after it, returned to his home, where he died February 27, 1877.

In his messages Governor Johnson dwelt at much length on the improvements in which the West was especially interested. From 1850 to 1854 more turnpikes and railroad companies were incorporated with the privilege of constructing works of internal improvement in the West than in all the years preceding. Very liberal appropriations were made to the Western Turnpike Company, and this caused an acquiescence by the Westerners in the appropriations made to the various railroad companies operating east of the mountains. Governor Johnson was able to say in his message in 1855 that "the northwestern portion of the State wanted little and asked less."<sup>4</sup> As a result of the adoption of the constitution sectional controversy almost passed away. There was a considerable increase of the public debt, which on January 1, 1852, amounted to \$11,971,838. In 1861 the debt had reached the figure of \$31,187,999.32.

An occasion of great interest, from a literary point of view, was the visit to the State of the distinguished writer, William Makepeace Thackeray. He delivered three lectures in Rich-

<sup>4</sup>Ambler, *Sectionalism in Virginia*, from 1776 to 1861, p. 301.

mond which made a great impression. After a short time he returned and delivered three more.

HENRY ALEXANDER WISE, Governor,

Jan. 1, 1856-Jan. 1, 1860.

He was born at Drummondtown, Accomac County, December 3, 1806, son of Major John and Sarah C. (Cropper) Wise. His father had served in the House of Delegates from 1791 to 1801, during which time he had been Speaker of the House in 1794 and 1795. He was a Federalist in politics and opposed the Madison Resolutions of 1798. Henry A. Wise was orphaned at the age of six years, and his early training was by an aunt and Major John Custis, an uncle by marriage. He was a student at Washington College, Pennsylvania, studied law under Judge Henry St. George Tucker at Winchester, Virginia; removed to Nashville, Tennessee, but soon returned to Virginia. He was elected to Congress in 1833 over Richard Coke, of Gloucester County, who was suspected of nullification tendencies. A duel ensued because of words spoken in the canvas, and Mr. Coke was slightly wounded in the arm. He remained in Congress for six consecutive terms, and became distinguished as one of its ablest and most brilliant leaders and speakers. At first he was an adherent of Andrew Jackson, but in 1834 when Jackson removed the money belonging to the United States from the United States Bank he and sixteen other members of Congress, called the "Awkward Squad," went over to the Whig party, then forming out of many elements. Later he adhered to President Tyler in his controversy with Congress over the Bank question, and received from him a nomination to France, but the nomination was rejected by the Senate. Later in 1844 he became minister to Brazil, where he remained till 1847. In 1850 he was elected a member of the Convention of 1850-51, and in 1855 was nominated for Governor by the Democrats, defeating the American or Know Nothing candidate when that party seemed

irresistible. He was Governor from January 1, 1856, to January 1, 1860, in which latter year he was a presidential candidate. In 1861, he was a member of the secession convention and advocated fighting in the Union, but soon lined up on the side of the immediate secessionists. When war ensued, he was made brigadier-general, and saw service in West Virginia, North Carolina and South Carolina. In May, 1864, he reached Petersburg with his command, and resisted successfully the first attack on the city, and his was the last command engaged at Appomattox. After the war he resumed law practice in Richmond, and beyond a brief service as commissioner to fix the Virginia-Maryland boundary, he took no part in politics or public affairs. He was the author of "Seven Decades of the Union," which book gives an account of national politics from 1790 to 1860, with the "Life of John Tyler," as the thread. He died in Richmond September 12, 1878.

Mr. Wise was a vigorous Governor, and gave all his influence to the promotion of internal improvements. His first regular message, addressed to the legislature upon its assembling in December, 1857, was full of the subject. When we consider the difficulties ensuing from a scattered population and the mountains to be traversed, the development of the Commonwealth between 1845 and 1860 was truly astonishing. The Assembly of 1857-58 made liberal appropriations for completing the Chesapeake and Ohio railroad and incorporated numerous companies to build branch lines thereto. There had at times been considerable differences of view between the East and the West, but the completion of the old James River and Kanawha Canal, which was strongly endorsed by Wise, might have prevented a division of the State in 1861. Millions of dollars were sunk in the enterprise but the war came on, and after it the Chesapeake and Ohio railway was substituted for the unfinished project.

Among other subjects to which the attention of the Legislature was early directed was the need of a reorganization

of the State Militia System, which at that time was weak and inefficient. Wise's decided opinion was that a preparation of the State in full panoply of arms and prompt action would have prevented the war. But the peace policy prevailed in Virginia, and the Legislature did not, even after John Brown's raid, wake up to a realization of the true nature of the situation. The history of this atrocious attack upon a peaceful State has been given in another connection.

Amid the gathering storm Governor Wise presided over two patriotic occasions, memorable in the history of Richmond and Virginia. During the month of July, 1858, the remains of James Monroe were brought from their resting place in New York, accompanied by the gallant Seventh Regiment, under the command of Colonel Duryee, and interred in Hollywood Cemetery, at Richmond, in the presence of a vast concourse of people.

On the 22nd of February, 1858, preceding this event, occurred an outpouring of the people to witness the unveiling in Richmond of the superb equestrian statue of Washington, surmounting the Washington monument, whose corner stone had been laid in 1850; and despite the bleak, wintry day, the enthusiasm of the audience knew no bounds.<sup>5</sup>

JOHN LETCHER, Governor,

Jan. 1, 1860-Jan. 1, 1864.

John Letcher, son of William Letcher, was born at Lexington, Rockbridge County, Virginia, March 28, 1813. He took a course at Washington College, and graduated in 1833 from Randolph-Macon College, where he also studied law. He entered upon the practice in Lexington, and for some time was the editor of the *Valley Star*. In 1850 he was a member of the Constitutional Convention, and as a Democrat he served in Congress from 1852 to 1859, and was active on the Ways and Means Committee. He was Governor from January 1, 1860, to

<sup>5</sup>Wise, *Life of Henry A. Wise*, 260.

January 1, 1864, thus holding the office at the time of secession, which policy he had previously opposed but earnestly supported when the Federal Government resorted to force. At the close of the war he resumed practice at Richmond, and served two terms in the House of Delegates, 1875-76 and 1876-77. In 1876 while attending upon the House, he was stricken with paralysis. He lingered eight years and finally expired at his home in Lexington, January 26, 1884.

Mr. Letcher's administration covered much of the period of the war waged against the South by the Federal Government, to destroy its right of self-determination. After the secession of South Carolina he called an extra session of the Legislature to meet January 7, 1861. At this Legislature he sent in a long message on the position of Virginia in the impending crisis. The Legislature passed an act to provide for a convention of the people in Richmond February 13 to amend the Constitution and to take such steps as should be necessary. They also passed acts to send Judge John Robertson to South Carolina and John Tyler to President Buchanan to beg them to refrain from any act likely to involve the Union in war till the Peace Convention called by Virginia could meet in Washington February 3. As we have seen, the Northern delegates to the Peace Convention opposed any real compromise and rejected the Crittenden propositions, which were satisfactory to the South. These propositions, while saving the honor of the South, gave slavery no real practical advantage and were approved by a majority of the people of the North. Lincoln, after a month of vacillation, decided to appeal to force, and without calling Congress together and getting its consent, sent an expedition to Charleston to supply Fort Sumter with provisions "peaceably if permitted, otherwise by force." South Carolina, left to the alternative of subjecting its capital city to the mercy of a sectional President, or of reducing Fort Sumter, chose the latter. And then Lincoln issued his call upon the States for 75,000 men, to which Governor Letcher replied that "the militia of Virginia would not be furnished to

the powers at Washington for any such purpose as they have in view. \* \* \* You have chosen to inaugurate civil war; and having done so, we will meet you in a spirit as determined as the Administration has exhibited towards the South." The Convention of Virginia, seconding the Governor, passed the ordinance of secession April 17, 1861.

Among the public events that marked the short interval of peace between Letcher's inauguration and the passage of this fateful measure were the unveiling of the Clay statue in the Capitol Square at Richmond, April 12, 1860, and the coming on October 6, 1860, of the Prince of Wales, afterwards King Edward VII, who was travelling on the Continent as Baron Renfrew. In spite of the war clouds, both events were occasions of great pleasure and festivity.

PART IV  
LOCAL AND ECONOMIC CON-  
DITIONS, 1763-1861



## CHAPTER I

### POPULATION, SLAVERY, EDUCATION AND LITERATURE

*Population.* The census returns show a steady development in the population of the State. In 1755 the population was 295,672, of whom 120,156 were negroes, and in 1776, it was 567,614, of whom 270,262 were negroes. In twenty years the population nearly doubled. In this period there was an immense importation of slaves and a steady flow of population into the Shenandoah Valley, Western Virginia, and Kentucky, which was then a part of Virginia. In 1790 the number of people in this range of territory was 747,610; and in 1800 the number was 880,200, an increase, despite the severance of Kentucky. In the decades following the census showed: 1810, 974,622 of whom 392,518 were slaves and 20,154 free colored persons; 1820, 1,065,379, of whom 425,153 were slaves and 36,889 free colored persons; 1830, 1,211,405, of whom 469,757 were slaves, and 47,348 free colored; 1840, 1,239,797, of whom 449,087 were slaves and 49,852 were free colored; 1850, 1,421,661, of whom 472,528 were slaves and 54,333 were free colored; 1860, 1,596,318, of whom 548,907 were slaves and 58,042 were free colored.

This evidences a healthy increase, but not so great relatively as many of the Northern States. This was due chiefly to two causes: (1) Emigration to the South and West; (2) Lack of immigration. These two factors were in their turn determined by (1) the opening up of fresh and richer farm lands in the South and West, attracting a people devoted to agriculture; (2) the mode of cultivation, which, in the early part of the period, impoverished the land in Eastern Vir-

ginia, naturally thin and easily exhausted; (3) the sectional laws which laid heavy burdens upon the Southern farmers, causing thousands to leave for the West; (4) the existence of a negro population, which produced a racial stratification and drove off immigration. Slavery, though morally wrong, was an organized system, and made the best of Southern conditions, and never failed, when there was reasonably good management, to bring profit to the farmer.

Despite all discouragement, the wealth of the Southern States that went into secession was nearly proportionately as great as that of the North in 1860. In that year the total wealth of the eleven States that went into secession, excluding the value of negroes, was \$2,615,750,830, and the wealth of the eighteen States that fought them was \$6,621,699,797. The population of the first group of States was about 8,600,000, inclusive of negroes, and the population of the second group was 18,854,046.

In this estimate none of the Western States created after 1860 is included, nor the States of Maryland, West Virginia, Kentucky and Missouri, that helped both sides in the war that followed.

Undoubtedly, the great factor in the numerical growth of the North was European emigration, of which it had almost the monopoly. In the factories the poor people coming from Europe were exploited under conditions of hardship never experienced by the negroes of the South, even in the days before the American Revolution. That slavery had little to do with any deficiencies of the South was proved by two things. First, it was proved by the example of Edmund Ruffin, who raised the value of his estate from \$25,000 to \$200,000 by good farming and good management. (See his *Diary* in the Library of Congress, 1855-1865.) In the same way Germany, by organization, became materially and otherwise, the strongest power in the world, though with limited freedom in the subject. Second, in 1912, the census shows that the same eleven Southern States had

\$8,073,986,366, and the same eighteen Northern States had \$51,143,451,461. It follows that relatively the South was far less rich in 1912 than in 1860. Ample time had elapsed for recovery from war, and the figures do not show that the abolition of slavery was a financial blessing to the South.

There were several high tides in this emigration from Virginia that should be noticed. The first was the emigration southward about 1756 to North Carolina,<sup>1</sup> by the side of which all other factors in the settlement of that great State counted very little. Another high tide occurred in the rush to Kentucky and Ohio between 1783 and 1810.<sup>2</sup> Then followed the emigration to Alabama about 1840, and the emigration to California in 1849. I know of no figures showing the exact extent of these shiftings of population in any case, but they must have been very large.

*Slavery.* Virginia's attitude to slavery was more honorable than that of any other State. Beverley Munford's great work, "Virginia's Attitude to Slavery and Secession," affords a triumphant demonstration. In spite of the fact that her wealth rested largely upon negro slavery; that three-fourths of her people were pecuniarily interested, directly or indirectly, in slaves,<sup>3</sup> and that slavery was the best means of exploiting the lands, whenever there was any intelligent management; Virginia had, from early days, manifested a repugnance to the moral principle involved, which endured till the abuse of the abolitionists arrested the feelings and converted many persons, even in West Virginia, to the opposite opinion.

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<sup>1</sup>Letter of James Maury to Hon. Philip Ludwell in *Memoirs of a Huguenot Family*, p. 431. A large emigration occurred after Braddock's defeat in consequence of dread of Indian incursion.

<sup>2</sup>Letter of J. Watkins in *Life of Nathaniel Massie*, p. 94.

<sup>3</sup>The total number of slave owners in the South in 1860 did not exceed 350,000, but these represented heads of families and the number of those directly interested would be represented by five times that figure. Then there were those indirectly, contingently and expectantly interested, who must have been very numerous. Thus in his *Ten Years in the United States* D. W. Mitchell says that, "in considering the proportion of the population pecuniarily interested in slaves, it would be found that three-fourths or more of the native born population are thus interested."

For a long time after their first introduction very few slaves were imported. As late as the year 1715, there were only 23,000 in a population of 95,000. In the sixty-one years, however, immediately preceding the Revolution, they came in ever increasing figures, till, in 1776, they numbered nearly half as many as the white population.

As an evidence that the material status of slavery had nothing to do with the moral status, Virginia, which had been a very poor colony previous to 1715, became rich and wealthy under this influx from Africa, because affording an abundance of labor to the planters. There can be little doubt that comforts of all kinds were more richly extended in Virginia than in any of the colonies. Her imports and exports exceeded in value that of all New England, and there was a leisure class that, through the general cultivation of their minds, easily took the lead in all American affairs.

Nevertheless, so great was the objection to the immorality of slavery and the evil of introducing an alien race into the colony, which never could be assimilated, that the Legislature sought in every way possible to limit the trade in slaves. They passed twenty-three acts having this object in view, but most of these acts were disallowed by the authorities in England. How to prevent them from protecting themselves against the increase of the overwhelming evil was debated by the King in council, and on the 10th of December, 1770, he issued an instruction under his own hand commanding the Governors in America upon pain of highest displeasure to assent to no laws by which the importation of slaves should be in any respect prohibited or obstructed. In protest, the Virginia Assembly adopted a petition to the King in 1772 denouncing the importation of slaves as "a trade of great inhumanity," as "retarding the settlement of the colonies with more useful settlers," and "as dangerous to the very existence of your Majesty's dominions."

When Thomas Jefferson came to write the Declaration of Independence, it was the King's vetoes of the laws passed by

Virginia to suppress the slave trade that evoked the fiercest arraignment in that historic document. Mr. Jefferson has left on record that this portion of the Declaration was stricken out in Congress before its formal presentation to the world, by deference to the wishes of certain Southern and Northern States. The biographers of Abraham Lincoln, Messrs. Nicolay and Hay, declare in this connection: "Newport was yet a great slave mart, and the commerce of New England drew more advantages from the traffic than did the agriculture of the South."

But the position of Virginia with respect to slavery at this time was not left to Thomas Jefferson and the Virginia delegation in Congress. As early as 1774 mass meetings in many of the counties adopted resolutions denouncing slavery and the slave trade. W. E. Dubois, the negro historian, declares, "Virginia gave the slave trade a special prominence, and was in reality the leading spirit to force her views on the Continental Congress."

The Declaration of Rights, drawn by a Virginian, George Mason, adopted on June 12, 1776, and the Declaration of Independence, drawn by Thomas Jefferson, another Virginian, adopted July 4, 1776, both declare that "among the inalienable rights of man are life, liberty, and the pursuit of happiness," and slavery could not square with this great canon. Henceforth, its existence in Virginia could only be justified by the difficulties and dangers attending its abolition.

But the efforts of Virginia did not cease with the Declaration of Independence. Virginia and other colonies had striven to discourage the traffic in slaves by laying duties, but foremost among the laws enacted by Virginia after the Declaration of Independence was the celebrated Statute of 1778, drawn by Thomas Jefferson, laying for the first time a penalty upon any one importing slaves into the Commonwealth by sea or land. Of this act Mr. Ballagh, in his "History of Slavery in Virginia," says: "Virginia thus had the honor of being the first political community in the civilized modern

world to prohibit the pernicious traffic." She antedated the like action by Great Britain by thirty years.

Next in sequence of the great events linked with this subject was the work of Virginia's statesmen in the preparation and adoption of the ordinance for the government of the Northwest territory. When, by the valor of her sons, Virginia had won the land from the English and Indians, she on January 2, 1781, silenced the murmurings of her sister States, and consummated the efforts for Union by formally relinquishing this great domain for the common weal. The United States did not accept the cession on the terms proposed, but stated certain modified conditions, which the General Assembly acquiesced in at its October session, 1783-84.

The day that Virginia's cession was accepted by the Continental Congress, Mr. Jefferson reported an ordinance for its government—the ordinance of 1784. It contained a clause prohibiting slavery, not only in the five States created out of the Northwest territory, but in the country south of them, which was subsequently formed into the States of Kentucky, Tennessee, Alabama and Mississippi. In its then form it did not meet with the entire favor of Congress and failed to obtain the votes of Mr. Jefferson's colleagues, Samuel Hardy and Charles Fenton Mercer, and was rejected by the other Southern States. After hanging in Congress for three years, the ordinance was revised in another form embodying the best part of the work of Jefferson. William Grayson, of Virginia, the President of Congress, was the soul of the action taken, and at his instance, Dame copied from Jefferson the prohibition of involuntary servitude, as far as it applied to the Northwest territory. The insertion of this clause was desired but not even remotely contemplated by Dame, since of the Northern States only Massachusetts was present.<sup>1</sup>

The South now went unanimously for the ordinance, and the motives of the Southern States, with the exception of Virginia, cannot be considered wholly disinterested. The Ohio

<sup>1</sup>Bancroft, *History of the Constitution*, II, 115, 431.

Company formed in Boston for the purchasing and colonizing of a large tract of land in the Northwest stood knocking at the doors of Congress, and the Southern States agreed to the clause respecting slavery to prevent tobacco and indigo—the products of negro labor—from being made on the Northwest side of the Ohio.<sup>2</sup> The effect on the disposition of the North towards the Mississippi was another influence operating upon the South. In September, 1788, the old Congress passed resolutions unanimously that “the free navigation of the Mississippi was a clear and essential right of the United States.” Succeeding this, Grayson, who had been returned to the Virginia Legislature in 1788, was one of a committee consisting of Edward Carrington, James Monroe and Edmund Randolph, besides himself, that successfully brought forward the bill by which slavery was excluded from the empire north of the Ohio River. As in passing this ordinance the State prevented her own soldiers of the Revolution from carrying their slaves into the territory reserved for their benefit between the Scioto and Miami rivers, it is not an unreasonable assumption that moral considerations weighed more with the State than the economic and political considerations.

The supreme opportunity for suppressing the importation of slaves, and thus hastening the day of emancipation, came with the adoption of the Federal Constitution. The action of the convention permitted the slave trade for twenty years and was a bargain between New England and the far South. New Hampshire, Massachusetts and Connecticut consented to the prolongation of the slave trade to please South Carolina and Georgia, and in return, South Carolina and Georgia consented to the clause empowering Congress to pass navigation acts and otherwise regulate trade by a simple majority of votes. This compromise was carried against the steady objection of the Virginia delegates.

In the State convention which followed in 1788 the exist-

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<sup>2</sup>See Letter of William Grayson in Bancroft's *History of the Constitution*; II, p. 431.

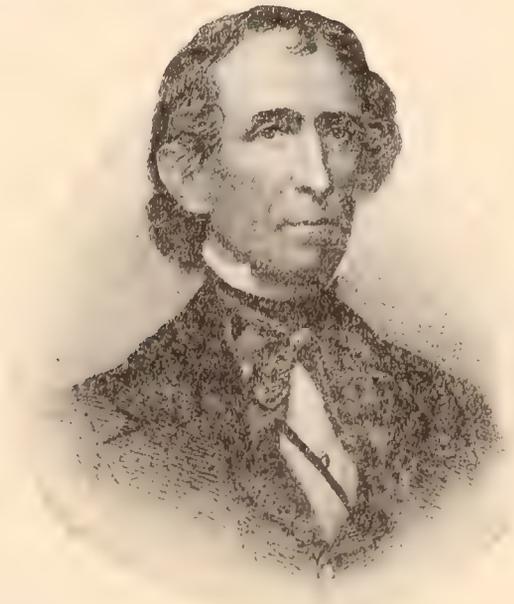
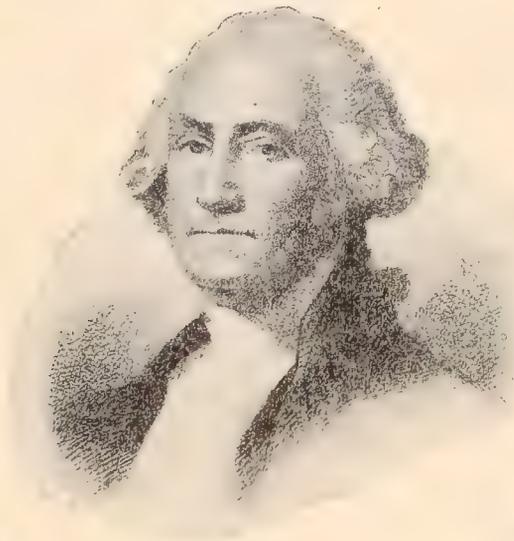
ence of these clauses in the Federal Constitution was one of the strongest objections taken against the ratification.

Despite Virginia's failure to secure the immediate suppression of the foreign slave trade, her sons took the lead in their efforts to restrict its growth, and at the earliest possible moment, to drive the slave ships from the seas. In the first Congress under the Constitution, April, 1789, Josiah Parker, of Isle of Wight County, Virginia, sought to amend the tariff bill under discussion by a clause levying an import tax of ten dollars upon every slave brought into the country, and he was a leading member of a committee which on March 23, 1790, brought in a report recommending an act to forbid citizens of the United States from engaging in the traffic with foreign countries—a recommendation which was made into law by Congress March 22, 1794.

The African slave trade had flourished so long under the patronage and support of the leading States of Christendom that, when the twenty years which the Constitution permitted it, expired, it was found difficult to put an end to the traffic by simple statutory enactment, but in the efforts to suppress the evil, Virginians holding official places were most earnest and energetic in their warfare against the trade. This was the case with all the Virginia Presidents, Washington, Jefferson, Madison, Monroe and Tyler. The luminous work of Jefferson has already been mentioned, and his name is affixed in approval to the act of Congress which finally forbade the slave trade in 1808.

Madison, in his messages, brought the subject to the attention of Congress and urged the passage of such amendments as would suppress all violations of the law.

Under James Monroe the slave trade was declared piracy in 1820, and in Congress, on motion of Hugh Nelson, of Virginia, the House of Representatives fixed the death penalty as the punishment of violating the law. During this administration, under the leadership of Charles Fenton Mercer, of Virginia, the acts of April 20, 1818, and March 3, 1819, author-



FIVE PRESIDENTS

ized the President to send cruisers to the coast of Africa to stop the slave trade. Subsequently, the same great statesman in February, 1823, secured the adoption of a joint resolution of Congress authorizing the President to enter upon or prosecute from time to time with the maritime powers of Europe and America negotiations for the ultimate denunciation of the slave trade as piracy under the international law. Mercer supplemented this, as chairman of a committee of the House, in reporting a resolution that the President be authorized to accept in his negotiations a mutual right of search of vessels suspected of being engaged in the slave trade. This, though defeated in the Senate, furnished a guide for the actions of President Monroe, who on May 21, 1824, submitted a draft of a treaty with Great Britain, by which both powers agreed to recognize slave trading as piracy and yield the mutual right of search. Unfortunately, the ratification of this treaty was defeated in the Senate, and it was not until 1862 that the right of search between Great Britain and the United States was established.

John Tyler, the last of the Virginia Presidents, had, when a member of the Senate Committee of the District of Columbia in 1832, prepared a code for the District which, while repealing many of the antiquated laws imposing hardships on the negroes, contained clauses prohibiting the importation or sale of slaves in the District. As President, in the preparation of the Ashburton Treaty, he secured the insertion of a clause providing for the maintenance and cooperation of squadrons of the United States and Great Britain off the coast of Africa for the suppression of this trade.<sup>3</sup> And in his message to Congress June 1, 1841, he declared that "the highest consideration of public honor as well as the strongest promptings of humanity required a resort to the most rigorous efforts to suppress the trade."

The foregoing recital will serve to illustrate the uncompromising attitude of hostility on the part of leading Vir-

<sup>3</sup>*Letters and Times of the Tylers*, II, 219, 238, 240.

ginians to the slave trade. If their course on the question of abolition was not as decisive, the excuse is found in the inherent difficulties of the matter.

This subject was environed with so many entanglements that even such men as Jefferson and Madison deemed emancipation impracticable, without deportation. In this belief arose the effort to deport free negroes to Africa, and the establishment of the African Colonization Society and its State branches. All the great statesmen of America believed in the humanity of the movement, but this, like everything else, came to be bitterly assailed by the abolitionists, who construed it into a subtle design of slaveholders to quiet the conscience of the country.

Deportation was urged by Lincoln himself in his messages, and his final action of proclaiming emancipation in the slaveholding States in secession was only taken as a war measure. After declaring the policy of emancipation as "futile as the Pope's bull against the comet" he made this reservation: "Understand, I raise no objection against it on legal or Constitutional grounds, for as chief of the army and navy in time of war, I suppose I may take any measure which may best subdue the enemy. Nor do I urge objections of a moral nature, in view of possible consequences of insurrection and massacre in the Southern States. I view this measure as a practical war measure, according to the advantages or disadvantages it may offer for the suppression of the Rebellion."<sup>4</sup>

Here then was a distinct recognition on the part of Lincoln that insurrection and massacre were a possible consequence of an emancipation proclamation and if these dreadful ills of "insurrection" and "massacre" did not befall the South, as a result of his turning a complete somersault, and ten days later resorting to "the futile" measure, it can never be credited to the humanity of Lincoln, who realized the peril. All the credit assuredly goes to the humanity with which the ter-

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<sup>4</sup>*Complete Works of Abraham Lincoln* VIII, 30, 31.

ribly reviled slaveholders treated their slaves.<sup>5</sup> But if Lincoln had to admit the dangers of massacre, as a consequence of emancipation, it ought not to be difficult to understand why Virginians should have hesitated before the war in bringing this peril upon the country by too precipitate measures of abolition.

Between 1777 and 1800, all the New England States had abolished slavery, but, as they had few negroes and slavery did not pay in that stony country, the New Englanders deserve but little credit for their action. The slave trade flourished with them as actively as ever, and New England ships brought thousands of Africans to this country. Nor did all the negroes in New England receive the benefits of the emancipation, as either in defiance of the laws or in anticipation, upwards of one-half were shipped and sold in the South.<sup>6</sup>

But if some New Englanders made the cause of emancipation very difficult by increasing enormously the number of slaves in the South, others made the idea almost desperate to the South by engaging in a crusade of abuse and incendiarism that has no parallel in history. Unlike the antislavery men of former days, the new school attacked not only the institution of slavery but the morality of slaveholders, and their sympathizers. Their rise in the North was contemporary with discussion in the Virginia Legislature in 1832 regarding the abolition of slavery. We have seen in another place that action regarding abolition was only defeated in this Legislature by 73 to 58, and the very free discussion which there ensued showed that the Virginian mind was up to that time open to argument, if not to conviction.

But while never fully extinguished, this disposition was largely suppressed by the abolitionists, who justified and instigated murder and slave insurrection, and drove thousands in Virginia and the South into silence or into the ranks of the apologists for slavery.

<sup>5</sup>Tyler, *The South and Germany* (pamphlet, 1917).

<sup>6</sup>Stephens, *War Between the States*, II, p. 102.

“What have we done to her,” said the Rev. Nehemiah Adams, of Boston, “but admonish, threaten and indict her before God, excommunicate her, stir up insurrection among her slaves, endanger her homes, make her Christians and ministers odious in other lands?”

It was the stock reply of the sectionalists of the North, who boasted loudest of their nationalism, that it was the invention of the cotton gin which encouraged the production of cotton and increased the value of the slaves, that induced so many in the South to stand for the perpetuation of slavery. But the answer to this consists in the fact that relative to other property, the value of slaves was no greater than just before the Revolutionary period, when hostility to slavery in Virginia was a prominent feature.<sup>7</sup>

The other stock argument that the South seceded in order to “extend slavery” is shown by like facts to be without reasonable value. The question about the Territories had gotten to be in 1860 a mere abstract one. Kansas was lost to the South and no one believed that slavery was possible in any of the remaining domain of the United States not admitted to Statehood—the odds by reason of immigration and unfitness of the soil and climate being so greatly against it.

South Carolina seceded because her abstract rights were denied by the dominant party and its president. She fought for independence and control of her own actions, but she did not fight to “extend” slavery. So far from doing so, by secession she formally relinquished all claim to the national territory, and the constitution of the Confederacy provided against the importation of slaves from abroad. Virginia made the occasion of her secession the proclaimed resolve of Lincoln to use the army to coerce the South. But as we have seen, the deeper meaning lay in the incompatibility of the

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<sup>7</sup>In 1860 the good average price of a working hand was \$1,000. In 1770 it was from \$200 to \$250, but the dollar in 1770 had five times the value, as shown by the inventories of estates.

union between the North and South, which had been made manifest from the very beginning. The laws suited to one section injured the other.

A final word as to the treatment accorded by the planters to the slaves. Their owners were governed largely by public opinion, and at no time in the history of Virginia does this treatment appear to have been cruel or severe. In fact the treatment became progressively more lenient. In the eighteenth century, when negroes were principally savages freshly imported, they had few comforts. So bare were their huts of furniture that the inventories of estates are silent as to the quarters, while enumerating every item in the manor house. A bare plank was their couch and they seldom had anything for their meals but cracked corn and vegetables, though in these regards they were not much worse off than the white servants imported in the seventeenth century. But after the Revolution, the condition of the slaves immensely improved. Their houses had comfortable beds, sometimes very good furniture, and their fare was varied and wholesome. Instead of meat twice a week, which was all that the most favored white servants had in the seventeenth century, the negroes of the South before the war had meat every day, and plenty of it.

The best evidence of the mildness of their service was afforded by their conduct during the war. Despite the violence of the Northern press, that did not in some cases stop short of recommending the entire extermination of the white people of the South,<sup>8</sup> despite the direct instigation to massacre afforded by Lincoln's proclamation of freedom in time of war; and despite the numerous John Browns, who, when war was once declared, made themselves busy in the open, the slaves of Virginia and the South refused to rise; and, though without the aid of the negroes in the Federal army, the war would have proved a failure, as Lincoln himself declared, even this aid was largely a forced one. Lincoln had about 200,000

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<sup>8</sup>See Howison, *History of the War*, for extracts from Northern Papers.

negroes from the South as soldiers, but most of them were slaves taken from the plantations and forced into the Federal army.<sup>9</sup>

*Education.* In a letter<sup>10</sup> to Joseph C. Cabell in 1820 Jefferson wrote that "the mass of education in Virginia before the Revolution placed her with the foremost of her sister colonies." This education was afforded by (1) Private Schools; (2) Charity Schools; (3) Tutors; (4) the College of William and Mary; (5) the Academies and Colleges of England. There was no public system for general education, but the County Courts and the church wardens of the different parishes were authorized and directed by the Legislature to bind out all the poor children, and children of parents who neglected them, with the requirement that they be taught by their masters reading, writing and arithmetic. During the American Revolution, Mr. Jefferson in 1779 reported from the Revisors a bill for a general system of education, which has served since as the basis for the whole United States.

Under this bill the curriculum of the College of William and Mary was to be developed into that of a University, capping the general plan of primary schools and secondary schools or academies. The Legislature was slow to act, and Mr. Jefferson, being elected Governor the same year, did not wait but used his influence, as a member of the College Board, to reorganize its curriculum as far as possible according to the meaning of his bill. In connection with James Madison, President of the College, he induced the visitors to abolish the Grammar School, in which Latin and Greek were taught, and the two Divinity Schools, and in their places to introduce a school of Modern Languages, one of municipal law, and one of medicine. By this arrangement the College became a University, the first to be organized in the United States; and it became also the first to have a chair of Modern Languages, under Charles Bellini, and the first to have a chair of law,

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<sup>9</sup>*The Real Lincoln*, by Minor.

<sup>10</sup>*Writings of Jefferson*, by Randolph, IV, p. 23.

under George Wythe, while a chair of medicine, under Dr. James McClurg, was only second in time to that at the College of Philadelphia. The cardinal features of the new system at William and Mary College were (1) freedom of selection by the student of his subjects of study, and (2) the Honor System, which discountenanced all espionage by the professors and trusted in the character of the student, in and out of the class room.

Mr. Jefferson's report was not taken up by the Legislature till 1796, when the bill in relation to the common schools was enacted into law, but it proved ineffective by reason of an amendment which left to each County Court to say whether it should go into operation; and none of them consented, as the justices would have been the chief taxpayers. This was true of the justices in western Virginia as well as in those where negroes formed a large element in the population.

The next step in the educational history was the establishment of the Literary Fund by act of February 2, 1810. The act ordered that "all escheats, confiscations, fines, penalties and forfeitures and all rights accruing to the State as derelicts," shall be set aside for the encouragement of learning. In 1826 the Literary Fund amounted to \$1,210,550, the greater part of which consisted of advances made by the State in repelling the British invasion in 1813, and reimbursed to the State by the Federal Government. By gradual accretions it had reached the figure of \$1,795,016.76 in 1860. It was then used for the defence of the State, and some of it was invested in Confederate bonds and lost. But in 1871 it amounted to \$1,596,069, and in 1922 it amounted to \$4,621,867.97.

Some of the interest on this fund was given from time to time to the University of Virginia, the Virginia Military Institute, and the other colleges, and in 1822-24 the sum of \$180,000 was taken from its principal to aid the University in erecting its buildings. This sum, though ostensibly a loan, came to be regarded as a gift and was never returned to the Literary Fund.<sup>11</sup>

<sup>11</sup>Bruce, *History of the University of Virginia*.

But the main use of the Literary Fund was to educate the children of the poor, and despite criticism it did a valuable work in this respect. In 1855 it imparted aid to 65,370 poor white children, of whom 31,486 were in actual daily attendance. The Governors of Virginia constantly called attention to the inadequacy of the system, but the nearest the state before 1860 got to the ideal of Jefferson was under the act of 1845-46.

Under this act a general free school system was adopted, but it was made to apply to the counties and not to the State as a whole. Each county had to decide by a two-thirds vote whether it would have free schools or not, and in case the necessary vote was secured, the schools were to be supported by funds apportioned from the Literary Fund and local taxation. Nine counties only accepted the provisions of the act.

But while elementary education in Virginia was thus left in an unsatisfactory condition, the higher education and the secondary education accomplished much better results. Going back to Jefferson's bill of 1779, we remember that he contemplated making a State University of the College of William and Mary, but with its Episcopal President and inherited prejudices, he found it impossible to make the desired headway. The other denominations were hostile, and finally he decided to use another means and another location. In 1798 Jefferson, in writing to Doctor Priestly, had expressed the hope that a new University planned on "a broad, liberal and modern scale" would be erected "in the Upper Country and, therefore, more centrally for the State." Following this a movement occurred in the House of Delegates at the session of 1805-06, which had for its object the erection of the "University of Virginia" to be established "in some county that was below the Southwest mountains, in a central situation, recommended by the salubrity of the climate and cheapness of the provisions." The ostensible leader of this movement was James Semple, afterwards Professor of Law in William and Mary College. Whether or not Mr. Semple had

any immediate connection with Mr. Jefferson is not known, but he was a son-in-law of Judge John Tyler, who in the Legislature in 1779 had given his ardent support to Mr. Jefferson's reforms. Beyond leave accorded by the House to a committee of which Mr. Semple was chairman, to bring in a bill for the erection of the University, nothing further was done at this time.<sup>12</sup>

After the establishment of the Literary Fund in 1810 and the transference to this Fund at the session of 1815-16 of the debt due Virginia by the United States, Charles Fenton Mercer, chairman of the Finance Committee, to whom Joseph C. Cabell had shown a letter Mr. Jefferson had written to Peter Carr, which gave in detail his views as to the System of Public Education to be set under way, framed a bill which took in the most important features of Jefferson's plan. It passed the House by a large majority and failed in the Senate by a tie vote.

Mercer's bill was more elaborate than Mr. Jefferson had planned, and on the request of Joseph C. Cabell, he put his scheme for education in shape, and had it introduced by Samuel Taylor of Chesterfield, but on February 11, 1818, it failed of passage. The bill was then considered and amended, so as to authorize the instruction of the poor and the establishment of the University at a site to be selected by a commission, and in this mutilated form passed the General Assembly. Forty-five thousand dollars from the interest on the Literary Fund was to be annually appropriated for the instruction of indigent children, and \$15,000 for the support of the projected University.

Under the same prevailing influence of Mr. Jefferson, Central College at Charlottesville, of which Jefferson was the patron, was recommended by the commission as the site of the University, and an act of the Assembly January 25, 1819; confirmed the decision, and laid down with minuteness the necessary prescriptions for the number of the Visitors, their

<sup>12</sup>Tyler, *Historical and Genealogical Quarterly*, II, 281.

appointment, their powers and duties, the courses to be taught and the number, salaries and accommodations of the Professors.<sup>13</sup>

The higher education thus formulated in an institution which in its plan, scope, organization and work has given fame to the State, was further promoted by the establishment in 1839 of the Virginia Military Institute, second only to West Point as a military educational center. These agencies were augmented by several new institutions founded by the various religious denominations—Randolph-Macon College, founded by the Methodists in 1830; Richmond College, founded by the Baptists in 1832; Emory and Henry College, founded by the Methodists in 1838, and Roanoke College, founded by the Lutherans in 1853. These were in addition to the older institutions already mentioned, namely, William and Mary College, Hampden-Sidney College and Washington College.

A unique school in its way was the Institution for the Deaf, Dumb and Blind, established at Staunton by the Legislature in 1838. It had a predecessor in a private school taught by John Braidwood, son of John Braidwood who founded a school in London for the instruction of the deaf and dumb. The son came to "Cobbs" in Goochland County, to teach afflicted children in the family of Thomas Bolling, and as a result established there the first school in America for the deaf and dumb. The school had six or seven scholars but was abandoned in a few years on account of Braidwood's bad habits, from which Mr. Bolling found it impossible to retrieve him. Braidwood died in 1819 or 1820, the victim of intemperance.

The census of 1850 shows that Virginia had more young men in college, in proportion to its population, (slaves excluded) than any other State. In actual numbers she outranked Massachusetts, Virginia having 1,343 at College and Massachusetts 1,043.

The secondary schools in Virginia before 1861 were pri-

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<sup>13</sup>Bruce, *History of the University of Virginia*, I, 295.

vate, not public. The Academy was the type of school that spread through Virginia and served as a means of education of the majority of the children of the state. These schools, while they taught the classics, higher mathematics, and the sciences (physics, chemistry and botany) also played the part of primary schools, which was a necessary preparation for this secondary instruction. The State had no other connection with these academies than the matter of chartering them or passing acts enabling them to conduct lotteries for the purpose of raising funds to erect buildings or to add to their endowment. Between 1800 and 1860, 175 academies were incorporated in Virginia, of which sixty-nine were for the education of girls. Many of these occupied buildings entirely of brick. It is safe to say that many other academies of less significance in the State did not apply for incorporation.<sup>14</sup>

It would thus appear that Virginia was especially strong in the secondary and higher education, but weak in her elementary schools. In a white population in 1860 of 1,047,411, 74,055 persons twenty years of age and upwards could not read and write, but even this was a much lower average of illiteracy than prevailed in most of Europe at this time.

*Literature.* Books are the natural products of large cities, where easy access can be had to large public libraries and ready sale effected to offset the cost of publication. Virginia was a State of counties and none of her cities exceeded 40,000. And yet during this period covered by this book (1763-1860) her light in this particular was not hid under a bushel.

In polemic and political literature Virginia easily held first place among the states. This took the form of communications to the newspapers, editorials, pamphlets, State documents and private letters of public men. If all was published together it would make an enormous library of books. The *Virginia Gazette*, the *Richmond Enquirer*, the *Richmond Whig*, the *Norfolk Public Ledger*, and the other newspapers of Virginia abound in such literature. Every member of

<sup>14</sup>Heatwole, *History of Education in Virginia*, 127.

Congress, and many of the Legislature, thought it a duty to address their constituents on the public questions interesting the people at the time. Among official documents there were the state papers of governors and Virginia presidents and the different heads of departments in state and federal government, the reports of committees and resolutions of the Legislature and of Congress, wherever Virginians had a hand.

The Revolution was ushered in by a literature of this kind that easily takes precedence. As examples might be cited the pamphlets written by John Camm, Richard Bland, and Landon Carter on the Two Penny Act (1759-1764); "An Enquiry into the Rights of the British Colonies" (1766) by Richard Bland; the "Monitor's Letters" (1767) by Dr. Arthur Lee; the "Summary View," (1774) by Thomas Jefferson; The Resolves of the Virginia Assembly against the Stamp Act (1765); the Resolves against the Revenue Act (1768, 1769); the Declaration of Rights (1776) by George Mason; the Declaration of Independence (1776) by Thomas Jefferson; the acts of the Virginia Legislature, many of which, especially those drawn by Jefferson (for instance the celebrated Act for Religious Freedom) exhibit forcible ideas presented in a lucid and vigorous expression.

As to the political literature of the post-Revolutionary period, it would take too much space to go into any detail, but, as examples only, mention may be made of Madison's twenty-nine articles of the *Federalist* and his Report on the Resolutions of 1798, Jefferson's inaugural message (1801), Monroe's message (1823) on the "Policy" bearing his name, and Tyler's last annual message (1844), to which should be added his address on the "Dead of the Cabinet."<sup>15</sup>

In the private letters of Washington, Madison and Jefferson, published during this period, political matters are dis-

<sup>15</sup>Alexander H. Stephens declared that Tyler's Messages "compare in point of ability with those of any of his predecessors," Stephens, *Pictorial History of the United States*. As for the last annual, see the opinions of Thomas Ritchie, George McDuffie, and Tyler's Cabinet, *Letters and Times of the Tylers*, II, 358.

cussed in a style worthy of those great men. Books discussing constitutional questions appeared from John Taylor of Caroline: "An Enquiry into the Principles and Policy of the Government of the United States" (1814), "Construction Construed and the Constitution Vindicated" (1820); "Tyranny Unmasked" (1822), and "New Views of the Constitution of the United States," (1823). Abel P. Upshur acquired fame as the author of a "Review of Judge Joseph Story's Commentaries on the Constitution" (1840). It was applauded throughout the South as a complete answer to the Nationalists, and was long a text book in Southern colleges and schools.

In history the State was represented by John D. Burk (1804), R. R. Howison (1847) and Charles Campbell (1849), worthy successors of Robert Beverley, whose *History of the Colony* (1705), is described by Dr. J. Franklin Jameson as the first production of its kind having a real American spirit. In this category may be placed Jefferson's "Notes on Virginia" (1782), which passed through many editions; General Harry Lee's "War in the Southern Department of the United States" (1812), and Bishop Meade's "Old Churches, Ministers and Families of Virginia" (1856).

There were many biographies, chief among which may be mentioned William Wirt's "Life of Patrick Henry," which, in spite of its inaccuracies, still appeals to readers; Marshall's "Life of Washington" (five vols., 1804-1807), Richard Henry Lee, Jr.'s "Life of Richard Henry Lee" (1825), and "Life of (Dr.) Arthur Lee" (1829); George Tucker's "Life of Jefferson," Hugh A. Garland's "Life of John Randolph" (1850) and William C. Rives' "Life and Times of James Madison" (1859). These are necessary books for any Virginia library. In the "Life of Washington," by Parson Weems, Virginia can claim a biography that went through more editions and was read by more people than any dozen other biographies written in the United States. It remained for many years one of the books of the people, and, if popular favor is a proof of literary

excellence, Parson Weems' statue is entitled to a very high niche in the temple of patriotism.

In books on agriculture John Taylor blazed the way with his "Arator" (1810), to be succeeded by Edmund Ruffin with his work on "Calcareous Manures" (1835), which had an enormous popularity, and was praised by men in all parts of the Union. In physical science the name that overshadowed all others was that of Matthew Fontaine Maury, whose "Physical Geography" was long used in the schools.

In theology, one of the most distinguished of the early writers was Dr. Archibald Alexander, a native of Rockbridge County, and for some time Professor of Theology in Princeton College. His "Evidences of Christianity" (1825), and "Canon of Scripture" occupy a very high rank. Other prominent writers in theology were Dr. John H. Rice and Dr. R. L. Dabney, of the Presbyterian Church, and Dr. J. B. Jeter of the Baptist.

In law, St. George Tucker compiled an "Annotated Edition of Blackstone's Commentaries" (1804), which was the first American law book to be used as a text book in colleges; and excellent manuals and digests appeared from John T. Lomax, Conway Robinson, Judge N. B. Tucker, James P. Holcombe, Henry St. George Tucker, and many others. The opinions of Virginia judges, as they appear in the works of the law reporters, have also a place in this general catalogue of law literature. Many of the judges excel in their clear and vigorous use of the English language, and two especially may be mentioned, namely, John Marshall and Spencer Roane.

Virginia fiction may be said to have begun with William A. Caruthers, who wrote "Cavaliers of Virginia" and "Knights of the Horseshoe," the one dealing with Bacon's Rebellion and the other with Spotswood's march to the mountains. A little later appeared "George Balcomb" and "The Partisan Leader," by Judge N. B. Tucker. The last was published in 1837, but the writer laid the scene of his plot in

the future, *when President Van Buren was in his third term.* This singular book was something like a prophecy, for it represented the country at war because of the usurpation of the North. A Novel by St. George Tucker, Jr., entitled "Hansford, A Tale of Bacon's Rebellion," was quite popular. But perhaps the most successful writer who continued his work after the war for Southern Independence was John Esten Cooke, who wrote "Leather Stockings and Silk," "The Youth of Jefferson," "The Virginia Comedians" and "The Last of the Foresters."

In poetry Virginia during this period produced no great poet of native birth, but two made Virginia their home. They were widely separated in time. One was Goronwy Owen, who was master of the grammar school at William and Mary College from 1758 to 1760 and minister of St. Andrew's Parish, Brunswick County, from 1760 to his death in 1770. His poems, some of which were written in Virginia, have procured for him the fame of "premier poet" of Wales, but as they are written in the Welsh language they are hardly known in Virginia today. The other of these master spirits was Edgar Allan Poe, who, though born in Boston, while his mother, an actress, was temporarily there, was brought up in Richmond and studied at the University of Virginia. Both of these poets were wild, ungovernable men, given to drink, and very little to be admired as far as their behavior went, but their poetry is not tainted with their bodily failings and soars to heights attained by few. Poe's fame has grown with time and his poems and prose works are perhaps the most popular of all writings in the United States and among the most popular in the world.

But while not entitled to be ranked with these master spirits, Virginia did have in this period some men native born who were real poets, such as William Munford, James Barron Hope, John R. Thompson, St. George Tucker, Jr., and Robert Tyler. Munford, the first of these, wrote a number of poems, but his chief claim to remembrance rests on his translation of

the Iliad, published in 1848, long after his death. Competent critics have pronounced it superior in verse to Pope's famous translation. James Barron Hope published "A Collection of Poems" in 1859. Thompson was editor of the Southern Literary Messenger, and contributed to it both excellent prose and beautiful verse. Tucker wrote a strong address in verse which was read at William and Mary College in 1859, and his war song, "The Southern Cross," written after the election of Lincoln, was very popular in the South generally. Robert Tyler, who was an intimate friend and associate of Francis Scott Key, the author of "The Star Spangled Banner," and John Howard Payne, the author of "Home Sweet Home," wrote "Ahasuerus" (1842), and "Death, or Medorus' Dream" (1843), which were highly praised by such critics as George D. Prentice, Hugh S. Legaré, Joseph B. Chandler and Charles Hoffman.

Besides these, many Virginians wrote excellent pieces, which, while not entitling their authors to be called poets, went to swell the mass of the State's poetic literature. As specimens we may cite Philip Pendleton Cooke's "Florence Vane," James McClurg's "Belles of Williamsburg," and Judge St. George Tucker's "Days of My Youth." The last produced such an impression on President John Adams that it is said he declared that he would rather have written it than any lyric of Milton or Shakespeare.

Various Literary Magazines were published at different times in Virginia, most of them for a short period. Probably the earliest of these was a magazine by Hugh L. Girardin, entitled "Graphicae Amoenitates," with half a dozen other descriptive words (1805). It was a quarto, and its first number, which was also its last, contained a colored picture of the Jamestown tower and five other colored plates, all engraved by Frederick Bossler. Others of these short lived affairs may be cited, but we must use our remaining space to notice two of a more permanent character. Beginning in January, 1818, *The Virginia Literary and Evangelical Magazine* for



MATTHEW F. MAURY

ten years afforded reading matter, religious and secular, to the Virginian public. The editor was John Holt Rice, who was born in 1777 and died in 1831 in Prince Edward County, where for eight years he had been head of the "Union Theological Seminary." The mere list of titles of articles published in this magazine on the status of Virginia, politically, educationally and in a literary way, is interesting by itself, but it is made doubly so when it is remembered that the North American Review was established in 1815 and Blackwood's Magazine in 1817.

*The Southern Literary Messenger*, founded by Thomas W. White, in 1834, and edited successively by James E. Heath, Edgar Allan Poe, Matthew Fontaine Maury, Benjamin B. Minor, John R. Thompson, George Bagby and Frank H. Alfriend, had a life of thirty years and there was no magazine superior to it in the United States. It contained many pieces of prose and verse from the best writers of the North and the South. Poe was not only editor but a frequent contributor.

Mention should be made of "the Virginia Historical Register," a small publication beginning in 1848 and intended as the organ of the Virginia Historical Society, nor must we fail to refer to the different farm journals, medical journals and religious periodicals,<sup>16</sup> which sometimes contained articles of excellent literary character.

This is, of course, only a brief statement of Virginian accomplishment. The late Dr. Alfred J. Morrison, who made an extensive study of Bibliography, and whose recent untimely death was a great loss to Virginia, states that in the great revival of effort along all lines that marked the decade from 1850 to 1860, it was not going too far to assert that sufficient biographies made up of Southern names alone could be had to fill six volumes equal in size to the six volumes of Appleton's Encyclopedia of American Biography, containing Canadian

<sup>16</sup>See account of Presbyterian Periodicals by Doctor Morrison in Tyler's Quarterly, I, 174-177.

and South American names, as well as names properly applicable to the United States (comprising 1,500 names). General Wilson, the editor, and John Fiske, the assistant editor of Appleton, let in a good many names on very slim evidence of ability, and they left out a great many names that might have been included.

These editors, sitting down to their task about 1880 or 1882, both of them fair minded men and of exceptional intelligence, could not possibly know much about the significant names in Southern achievement. And if they had come South and made special enquiry, they could not have found out. Something had happened.<sup>17</sup>

As a result of the war, which had brought about a confusion such as the world has seldom known, that region had been "stunned." The Southern people, absorbed in the struggle for self preservation against negro rule, which their conquerors ruthlessly forced upon them, and bent upon the material rehabilitation of their country, had no time to consider the past, and conformed themselves to the conditions, which were offered to them by the more friendly portion of the Northern people. In a sense they became *Northernized*, and today, as victims of a propaganda without regard to truth, the new generation of Southerners, satisfied with the management of their local affairs and little inclined to dispute with the North the management of national affairs, can have but little understanding of the high aspirations of the old South which was unwilling to accept a subordinate position in a Union built upon the idea of equality.

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<sup>17</sup>Alfred J. Morrison in *William and Mary College Quarterly*, XIX, 266-272.

## CHAPTER II

### AGRICULTURE, COMMERCE AND BANKING, SCIENCE, LAW, MEDICINE, AND RELIGION

*Agriculture.* The old colonial method of tillage consisted in using the land for corn or tobacco till the soil failed to give a fair return. The farmer opened up a new field and subjected this to the same exhaustive culture. The evil, however, was not without its compensative advantages, so long as there was any surplus of woodland on the estate, as it enlarged the area for a future rotation of crops.

Probably, however, the facts have been to a certain degree misrepresented. We have direct evidence from William Nelson, President of the Council, in a letter to Samuel Athawes in 1770 that farmers were then employing manure and making better crops than ever on their lands. He wrote:<sup>1</sup> "I am not sorry to tell you that I expect that we shall make this year 80,000 hogsheads (of tobacco). \* \* \* You make me smile when you talk of the lands being too much worn and impoverished to bring good tobacco as we formerly did, and I know that a skillful planter can make it fine from any land, it being his part and interest to improve any that he finds worn or wearing out."

After the Revolution a three-shift system was practiced—that is, first, a crop of Indian corn; second, wheat, rye or oats; and third, "the year of rest," in which the stock was permitted to glean scanty subsistence from the natural vegetation that sprang up. This system was rather hard on the land, but prevailed as late as 1835 in the region on the south side of the James, from the seaboard to the mountains.<sup>2</sup>

<sup>1</sup>*William and Mary College Quarterly*, VII, p. 27.

<sup>2</sup>Martin, *Virginia Gazetteer*, p. 99.

In the meantime a much better system came in vogue in the region north of the James, especially in what is known as the Northern Neck. Here peas and red clover were early used, and by their employment, united with deep plowing, and the use of gypsum or plaster of paris and a more diversified rotation of crops, the lands were enriched and yielded gratifying returns. As early as 1792 Israel Janney brought the first gypsum from Pennsylvania and tried it on his crops in Loudoun County with success, and in 1804 John A. Binns of the same county wrote and published a "Treatise on Practical Farming" in which he praised the value of gypsum and deep plowing. In 1796 Landon Carter, of "Cleve," in King George County, expatiated in a letter to Washington on the value of "Indian peas" in restoring corn land.<sup>3</sup>

In the Valley district also a good system of cultivation was early pursued, and irrigation was practiced to a considerable extent.

One step in advance was the greater attention paid in Virginia after the Revolution to the growth of wheat and the small grains. They gradually took the place in Tidewater, Virginia, of tobacco, which was now banished to the Western and Southwestern counties. But tobacco still remained a favorite staple, and its intelligent production was much encouraged by a book written by William Tatham, entitled "An Historical and Practical Essay on the Culture and Commerce of Tobacco," published in London in 1800.<sup>4</sup>

Interest in agriculture was shown by the existence of an Agricultural Society in Culpeper County in 1794,\* and perhaps

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<sup>3</sup>*William and Mary College Quarterly*, XX, 282; XXI, 11-13. The oldest Virginia work on cultivation was written by John Randolph of Tazewell Hall, Williamsburg, who was the last attorney general under the Royal Government, and father of Edmund Randolph, the first attorney general under the Commonwealth. Mr. Randolph died in 1784, and this little book, giving rules for gardening, was probably prepared before 1776, when Mr. Randolph left Virginia. A. J. Morrison in *William and Mary College Quarterly*, XXV, 138-140, 166-168.

<sup>4</sup>See report by N. F. Cabell on Agriculture, with notes by E. G. Swem, in *William and Mary College Quarterly*, XXVI, 145-168.

\**William and Mary College Quarterly*, XXI, p. 12.

earlier. Probably there were other local societies. The first State Society was formed in 1811, and continued in existence till 1820. John Taylor, of Caroline, was its president. His book, "Arator," (1810) was of great service in his day in stimulating scientific farming. He died in 1824, and his labor was taken up by Edmund Ruffin.

In the meantime, local societies were springing up in many counties, and on January 12, 1820, the first general meeting of delegates from the United Agricultural Societies of Virginia was held at Parker's Tavern in Surry County, January 10-12, 1820. Delegates were present from Prince George County, Sussex, Surry, Brunswick and Petersburg.

Edmund Ruffin was a delegate from the Society in Prince George and acted as Secretary. Gen. John Pegram was President. The Albemarle Society was not represented at this meeting. It had been established in 1817 with James Madison as President, late President of the United States.

For the years following 1819 only diligence and access to files are necessary to bring out all the facts relating to Agriculture in Virginia, since the *American Farmer*, the earliest agricultural journal in America, began that year, and it is replete with information regarding such movements in Virginia. It is unquestionable that the period from 1819 to 1860 was one of steady improvement in the Agriculture of the Middle Atlantic States. About 1829 Theodorick McRobert published a farm journal called *The Virginia Farmer*, at Scottsville, Albemarle County, which continued till after 1833.<sup>5</sup>

In that year (1833) Edmund Ruffin established *The Farmers' Register*, which ran for ten years, and was esteemed one of the best (if not the best) agricultural journals in the United States. The publication the next year of his famous work on "Calcareous Manures" combined with this Journal to put new life into the farmer's profession. Most of the local societies had come to an end, but in 1836 an agricultural convention was held at Richmond, with James Barbour as presi-

<sup>5</sup>A. J. Morrison in *William and Mary College Quarterly*, XXIII, p. 172.

dent. The farmers memorialized the Legislature to establish a Board of Agriculture, and this was done in 1841, but the act was repealed in 1843. James Barbour was the first president of this short-lived board, and Edmund Ruffin was the secretary. Two famous farmers were members of the Board, James M. Garnett, of Essex County, and Richard Samson, of Goochland County.

In 1845 the Virginia Society of Agriculture was reorganized and Edmund Ruffin was chosen president, but, he declining the post, the Hon. Andrew Stevenson was elected president.

In the meantime, another agricultural journal had been started, the *Southern Planter*, begun at Richmond in 1841, and which still survives.

In 1849 Governor John B. Floyd was willing to recommend in his message the appointment of a State Chemist, and the endorsement of a State Agricultural Society, but the Legislature would not act. A carefully worked out bill did pass in 1851, authorizing the appointment of a State Chemist and an Agricultural Commission, the Commissioners to draw a salary of \$2,500. But, it is said, nothing at all official came out of this.

The same year the Virginia Society of Agriculture, in unison with the general advance, took new life. The Constitution was revised and new officers elected. Its members and resources rapidly increased, and the Society had a field agent, Gen. William H. Richardson, who knew how to get hold of the people.

The State Society thus active held its very successful first fair at Richmond in the fall of 1853, and the custom was maintained for eight years regularly, through the fall of 1860. After that there was no fair until the fall of 1869.

In March, 1854, this vigorous State Society appointed its own Commissioner of Agriculture, Edmund Ruffin, who served till 1855. After that there was no Commissioner of Agriculture in the State on any footing until July 1, 1877, as under

the act of March 29 of that year. March 5, 1888, a Board of Agriculture was superimposed upon the Commissioner, and the structure was complete.<sup>6</sup>

The influence of Edmund Ruffin upon Agriculture in Virginia during three decades must not be slighted. His work on "Calcareous Manures" was the beginning of what one may call "a new era" in Virginia farming. The book went through four editions, increasing in size with each edition till from 118 pages it attained in 1852, 490 pages.

In another pamphlet he pressed the necessity of an Agricultural College, and was the first in the United States to outline a course of study for such an institution. In newspaper articles, and as editor of the *Farmers' Register*, he urged the use of legumes and marl as fertilizers of poor soil, drainage, and blind ditching and the five-fold rotation of crops, and by following his own suggestions and by the judicious employment of negro labor, he not only increased his own estate eightfold, but set an example which was copied by his neighbors and the farmers throughout the State. The enormous increase in the value of farm lands and stock between 1850 and 1860, due in large measure to his salutary labors, is shown by the census for those years.

In 1850 the value of farms in Virginia was estimated at \$216,401,543, and in 1860 it had increased to \$371,761,661. Farming implements increased from \$7,021,772 to \$9,392,296. The value of all live stock in 1850 was \$33,656,659 and in 1860 was \$47,803,649. This percentage of increase in the value of farm lands exceeded that of any of the old Thirteen States, except North Carolina, which increased from \$67,891,766 to \$143,301,065.

As indicative of the incompatibility of the States, the value of farm lands in Massachusetts in 1850 was only \$109,076,347 and in 1860 was \$123,255,948, and yet her total wealth in 1850, principally in the shape of capital and manufactures, was \$573,342,286. On the other hand, the total wealth

<sup>6</sup>A. J. Morrison in *William and Mary College Quarterly*, XXVI, 169-173.

of Virginia in 1850, consisting principally of farms and live stock, was \$430,701,082. In 1860, Massachusetts had in property, principally in capital and manufactures, \$815,237,433 and Virginia \$793,249,687, showing a considerable gain on the part of Virginia on Massachusetts.<sup>7</sup>

In this connection, it is of interest to read a letter or two from Tidewater, Virginia, giving some idea of the wonderful wheat farming during this time of progress (1845-1860). In July, 1846, Benjamin Ogle Taylor reported that there had been great improvement in farming methods below Fredericksburg. Later in 1847 Robert B. Bolling wrote from "Sandy Point," Charles City County, that he had averaged twenty-three bushels of wheat on 500 acres, and that Hill Carter, of "Shirley," and John Selden, of "Westover," in the same county, and William Harrison, of "Brandon," in Prince George County, had averaged thirty-one bushels on fields of 100 to 200 acres.<sup>8</sup> Naturally these were the days when the Richmond Mills were so conspicuously in the South American trade.

*Commerce and Banking.* In Colonial days a great many ships were built in Virginia, though not to compare with Massachusetts in numbers. Ships of 300 tons burden were built, and there were a number of shipyards in the rivers. The colony carried on a great trade with the West Indies in Virginia made sloops.<sup>9</sup>

Transportation for the most part, however, was in British vessels and the chief exports were tobacco and Indian corn, and the chief imports consisted of groceries and English manufactures. But most of the people in moderate circumstances went clad in Virginia cloth made of cotton grown on the planta-

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<sup>7</sup>Massachusetts profited greatly by the War for Southern Independence, its real and personal property being valued in 1870 at \$2,132,148,741. In 1912 it had as much wealth as all the Southern States that went into secession put together (not counting Texas).

<sup>8</sup>John Skinner's *Journal of Agriculture*, Vol. II, p. 57; Vol. III, p. 461, cited by A. J. Morrison in *Tyler's Quarterly Magazine*, III, 258.

<sup>9</sup>*Mair's Bookkeeping* (1760).

tions. Of this kind of cloth 250,000 pounds were manufactured annually about 1770.<sup>10</sup>

Upwards of 50,000 or 60,000 hogsheads of tobacco were exported annually at that period, giving employment to 17,000 tons of shipping. A few years later the exports of tobacco reached the figure of 80,000 hogsheads.

The census shows that, in 1772, Virginia and Maryland exported £528,404 worth of goods and imported goods to the value of £793,910. The four colonies of New England, Massachusetts, Connecticut, Rhode Island and New Hampshire exported £126,265 and imported £824,830.

During the War of the Revolution commerce was suspended. After the treaty of peace in 1783, trade revived and the custom house receipts of Virginia in 1788 amounted to \$266,000. During this time Virginia had control of her own trade, had her own custom houses, her own marine hospitals, and her own revenue cutters, bearing her own flag. Trade was free with all parts of the world. The sum of \$266,000 was collected under an average tariff of two and one-half per cent and represented an import trade of over \$10,000,000. And assuming that the imports were chiefly based upon exports, the amount of the two must have been not far from \$20,000,000.<sup>11</sup>

The transference of the power to regulate trade to the Federal Government shut out British shipping, and the high tariffs afterwards imposed subjected Virginia to the exploitation of New England. The effect was seen almost immediately. In 1791 the exports from Virginia were \$3,130,865 and the exports of Massachusetts \$2,519,651. In 1853 the exports of Virginia amounted to \$3,302,561, and the exports of Massachusetts were \$16,895,304. The same year the imports of Virginia were \$399,004 and the imports of Massachusetts \$41,367,956.<sup>12</sup> Virginia found herself compelled to conform to

<sup>10</sup>*William and Mary College Quarterly*, XIV, 86.

<sup>11</sup>Grigsby, *Virginia Convention of 1788*.

<sup>12</sup>Compendium of the 7th Census, 184, 186, 187.

a condition of things wholly in favor of New England. Many towns in Virginia that had once a large foreign trade fell into ruins and were deserted, such as Falmouth, Yorktown and Dumfries. Norfolk and Alexandria ceased to grow.

She vainly attempted to escape from this vassalage, and many conventions were held at Norfolk and Richmond to encourage a direct trade with England and France, but not much success attended these efforts. Better success attended trade with the South American States in flour shipped from the Gallego and Haxall Mills in Richmond. According to the preliminary report of the Eighth Census, by Joseph C. G. Kennedy, the largest mill in 1860 was at Oswego, New York, which produced 300,000 barrels of flour. The next two, in Richmond, made 190,000 and 160,000 barrels of flour respectively. The value of the annual production of each ranged from \$1,500,000 to \$1,000,000 and the whole value of flour and meal produced in Virginia in 1860 was \$15,212,050.

There were nail and iron works at Richmond whose products in 1860 were considerable. The value of iron founding in the State was placed at \$809,955 as compared with \$409,836, the value in 1850. Petersburg, Richmond and Wheeling were centers of tobacco factories, cotton seed and oil mills, flour mills, paper factories and woolen factories. The year 1860 saw, despite all impediments, a considerable increase in manufactures over 1850. The value in 1850 was estimated at \$29,602,507, and in 1860 at \$50,652,124.

Connected with trade were the banks, of which Virginia had a very efficient State system in 1860. During Colonial times and for some time after it, business of this kind was conducted by goldsmiths and private companies, who had not been incorporated. They accepted deposits, discounted paper and issued currency notes. In 1804 the Legislature began passing a series of acts intended to force these unchartered persons to cease doing business, and by 1820 they were pretty well extinct as business concerns.

In 1804 the Legislature chartered the Bank of Virginia

and its branches, with a capital of \$1,500,000. It had branches at Norfolk, Petersburg, Lynchburg, Fredericksburg, Danville, Charleston, Buchanan, Portsmouth and Union. The bank was given authority to issue notes, but they were not to exceed \$4,500,000 above the amount of its deposits, and its notes were to be received in payment of all taxes due to the State. The bank went into immediate operation and had a career of unbroken success until destroyed by the War for Southern Independence.

Tempted by the success of this bank, other persons got a charter in 1812 for the Farmers' Bank of Virginia, with its branches. It had equal success and continued in the confidence of the Virginia people till, having invested its money in Confederate bonds like the other bank, it experienced a similar fate of bankruptcy. This bank was followed by the Northwestern Bank and the Bank of the Valley, both chartered in 1817. By 1860 banks were to be found in every village and town in Virginia. In general, it may be said of them that they were conservative and safe. In spite of financial panics which struck the country at times the Virginia banks were noted for their soundness. In 1860, in a white population of 1,047,411 capable of making contracts, the banks had a capital of \$15,884,543 and \$9,612,560 of circulating notes for currency. The banks were scattered through the entire community, mainly agricultural, so that there was an abundance of currency and available capital for the use of the people. Banking privileges were very free, and to this Mr. Royall, who made the subject a study, attributes the prosperity of these institutions and the ability to weather the financial storms that struck the whole Union from time to time.<sup>13</sup>

*Science.* During most of the Colonial period, science pursued lines of observation, and Natural History was the favorite study. Beginning with John Banister, who made a catalogue of Virginia plants about 1673, the list of scientists,

<sup>13</sup>Wm. L. Royall, *A History of Virginia Banks and Banking Prior to the Civil War*.

who made Virginia their home or paid it a considerable visit, recorded the names of Rev. John Clayton of Jamestown, Mark Catesby, Robert Beverley, William Byrd, Dr. John Mitchell, John Clayton, Clerk of Gloucester County; Dr. William Small, Professor of Natural Philosophy and Mathematics at William and Mary College, and Governor Francis Fauquier, who wrote no book but loved to talk of science.

With Watt's development of the steam engine in 1763 a new era began—the era of invention. With Watt, Virginia had a link in Dr. William Small, who after a stay at William and Mary College of six years (1758-1764), returned to England, and it was on his advice that Watt in 1773 left Glasgow and went to Birmingham, where he formed a partnership with Matthew Bolton, the proprietor of the Soho Engineering Works, to make steam engines. Under the expanding wing of this new departure, a Philosophical Society, was formed at Williamsburg in May, 1773, known as "The Virginia Society for the Promotion of Useful Knowledge," of which John Clayton, the celebrated botanist, was president, and John Page, of "Rosewell," was vice president. The society bore prompt fruit. Page led the way and invented an instrument by which he measured the fall of dew and rain to the 300th part of an inch, being the first instrument of its kind in America; and at his residence on the York River he calculated an eclipse of the sun. This was followed by the invention of a thresher, the first in America, by John Hobday, to whom the Society presented a gold medal, still preserved.

There is evidence that this Society was in existence in 1787, but its dissolution did not stop the spirit of invention in Virginia.

Virginian names largely exceeded those of any other State among the early United States patentees of threshing machines. William Thompson took out a patent August 2, 1791. In 1794 William Hodgson and James Wardrop patented threshing machines, and Wardrop's machine was introduced into England in 1796. In 1797 William Booker took out a

patent, and in 1803 a patent was granted to Samuel Houston of Virginia, and in 1807 another to B. B. Bernard.<sup>14</sup> Colonel John Taliaferro, John Murphy and John M. Syme were also early inventors of threshing machines.<sup>15</sup>

Foremost, however, among these early inventors was James Rumsey, who, though a native of Maryland, was a citizen of Virginia and spent the active part of his life in that Commonwealth. He lived at Shepherdstown on the banks of the Potomac River and was the first in this country to construct and navigate a boat by steam. He privately tested his boat in 1786 and gave a public demonstration at Shepherdstown of its value in 1787. Though Rumsey's steamboat never came into successful use, he paved the way for Fulton, whom he met in London, and several of his other inventions survive in one modified form or another, as for instance the tubular boiler, so superior to the old tub or still boiler in the presentation of fire surface and in capacity for holding rarefied steam.

One of Rumsey's patrons was Thomas Jefferson, who succeeded Franklin as President of the American Philosophical Society. He took great interest in natural science and invented a plow, a hemp brake, a pedometer and a copying press. Dr. James Madison, President of William and Mary College, excelled in physics and astronomy, and his enthusiasm threw a peculiar charm over his lectures on natural philosophy.

A contemporary of Doctor Madison was Dr. James Greenway of Dinwiddie County, an ardent botanist, who wrote a number of interesting letters to the American Philosophical Society upon the fertilizing value of the pea, the nature of a certain poisonous plant found in Virginia, and an extinct volcano in North Carolina. William Tatham, who lived in Virginia at this time, was a very resourceful man and wrote many valuable treatises on different subjects.

The patent office at Washington preserves the names of

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<sup>14</sup>Preliminary Report to the Eighth Census, 96-97.

<sup>15</sup>Note by E. G. Swem to N. F. Cabell's manuscript on "Post Revolutionary Agriculture in Virginia, *William and Mary College Quarterly*, XXVI, p. 165.

many Virginia inventors in the latter part of the period covered by this book, but space forbids mention of but two, more eminent than any of the rest. The first in birth was Matthew Fontaine Maury, born in Spotsylvania County, Virginia, January 14, 1806. He suggested a system of reforms in the navy department, which, adopted by Congress in 1842, introduced order where chaotic conditions formerly prevailed. President Tyler appointed him head of the Bureau of Nautical Charts, which became the National Observatory. As such, he made a profound study of the varying depths, winds and currents of the sea, and by his works, "Sailing Directions," and his "Physical Geography of the Sea and its Meteorology," which last is said to have passed through more editions than any modern book of its kind, won for himself the name of "Pathfinder of the Seas." He suggested all the principles of the modern weather bureau operations, instituted a system of deep sea soundings, and showed that the bottom of the sea between New Foundland and Ireland was a plateau admirably adapted for a telegraphic cable. He suggested to Cyrus W. Field the character of the cable to be employed, and how it should be laid. In generous recognition, Mr. Field said "I am a man of few words; Maury furnished the brains; England gave the money; and I did the work."

As chief of the water defences of the South he was father of the torpedo and mining systems, employed so generally in the late European War.

He was covered with honors and medals by all the European governments, and was urged by the French government to take charge of their great observatory at Paris, and invited to Russia by a personal letter from the Grand Duke Constantine. Instead of accepting he preferred to live a plain Virginia citizen, having charge at his death of the chair of meteorology at the Virginia Military Institute at Lexington, Virginia. By many he was regarded as the greatest of all American scientists.

The second of these great scientists of world wide influence



CYRUS H. McCORMICK

was Cyrus Hall McCormick, son of Robert McCormick, born February 15, 1809, in Rockbridge County. His father invented a reaper which did not work, but Cyrus experimented and perfected it, and, as the result of his labors, accomplished a world wide revolution in agriculture. Not only did it vastly increase the area of grain cultivation but it was the stimulus to the development of every manner of farm implement. It had a profound influence upon the success of the war against the South; for William H. Seward attributed to it, and not to the armies of the North, the subjugation of the South. "The reaper is to the North what slavery is to the South," he said. "By taking the place of regiments of young men in the western harvest fields, it releases them to do battle for the Union at the front, and at the same time keeps up the supply of bread for the nation's armies. Thus, without McCormick's reaper, I fear the North could not win, and the Union would be dissolved."<sup>16</sup>

At no time in history has there been any lack of individual talent for science in Virginia. Hugh Jones, remarking upon the character of the Virginian as far back as 1724, said: "The climate makes them bright and of excellent sense and sharp in trade, an idiot or deformed native being almost a miracle."<sup>17</sup> But the lack of towns and great centres of population placed Virginia, as far as science went, at great disadvantage. Those born in Virginia had generally to go to the great cities of Boston, Philadelphia and New York for preferment. Such was the case of Henry Draper, of Prince Edward County, born March 7, 1737, who as a professor of the University of New York became well known for his discoveries and work in selective photography. He discovered oxygen in the sun by photography and advanced a new theory of solar spectrum.

Such also was William B. Rogers, who, after serving as Professor of Chemistry and Natural Philosophy in William

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<sup>16</sup>"Virginia's Contribution to Science," *William and Mary College Quarterly*, Vol. XXIV, 217-232.

<sup>17</sup>Jones' *Present State of Virginia*.

and Mary College and in the University of Virginia, as State officer made the first report on the geology of Virginia, a work which has no superior, and is full of original suggestions. After thirty-five years' service in Virginia he moved to Boston, where, in 1860, he founded the famous Massachusetts Institute of Technology, and died in that city in 1882, having seen his pet project crowned with success.

*Legal Profession.* During most of the 17th century the business of the Colony of Virginia was very simple, and there was little encouragement for trained lawyers, and the causes were pleaded by merchants and planters acting for the parties in suit. As elsewhere in America the people generally were jealous of these persons and made their high fees a pretext to enact hostile legislation against them. But in this there was really no reflection upon the character of the lawyers, who on the whole, are shown by the records to have been leaders in society.

At the end of the century a regular body of trained men began to appear, such as William Sherwood and William Fitzhugh. The pursuit in the eighteenth century became a dignified profession resting on license and examination. This century had in its early years such names as Edward Barradall, John Clayton, Stevens Thompson, William Hopkins, William Robertson, and John Holloway. In its latter years it was brilliant with the names of Patrick Henry, George Wythe, Peyton Randolph, Edmund Pendleton, Robert Carter Nicholas, Thomas Jefferson, St. George Tucker, Edmund Randolph, Henry Tazewell, and scores of others. The nineteenth century shone with even a greater luster. The names of John Marshall, Spencer Roane, Littleton W. Tazewell, Chapman Johnson, John Wickham, and Benjamin Watkins Leigh illustrate the earlier decades, and William Green, Henry St. George Tucker, Conway Robinson and James P. Holcombe illustrate the '40s and '50s.

William and Mary College had the first school of law (1779) in the United States and St. George Tucker published

the first text book on the law (1803). Albert J. Beveridge says in his *Life of John Marshall* that "as small and mean" as was Richmond in 1780 "not even Philadelphia, Boston or New York could boast of a more brilliant bar."

*Medical Profession.*<sup>18</sup> As with the lawyers, the doctors in the early years of the Colony of Virginia were untrained men. They were generally "surgeons, apothecaries or apprentices" and they, like the lawyers, incurred the wrath of the Assembly by charging "excessive fees." Laws were passed to regulate the charges, but not the practice, and the profession lagged much behind the legal profession. As late as 1736 a statute declared the doctors to be merely "surgeons, apothecaries or apprentices," and "unskillful in the art of a physician."

Nevertheless, the records show that, during all this long period, there were men in Virginia of high professional training. William Russell, who saved John Smith's life in June, 1608, was doubtless of this class. Dr. Lawrence Bohun, the physician general of the Colony in 1610-1620, was educated among the "most learned surgeons and physicians in the Netherlands." His heroic death in 1620 on the *Margaret and John* when attacked by the Spaniards in the West Indies, makes him a glorious figure in Virginia history. The successor to Doctor Bohun was Dr. John Pott, who was "a Cambridge Master of Arts," and recommended by the famous Theodoric Gulston "as well practiced in chirurgerie and physic and expert in distilling waters." He served at one time as acting Governor of Virginia.

Later on we come across the names of Dr. John Toton, a French Huguenot physician, Dr. Henry Potter, Dr. Charles Brown, Dr. John Mitchell and Dr. William Cocke. There were doubtless many other names of trained physicians distinguishing this long period. Virginia was very unhealthy, and for a long time four out of every five immigrants died the

<sup>18</sup>"The Medical Men of Virginia" in *William and Mary College Quarterly*, XIX, 145-162.

first year of their arrival. The diseases were chiefly ague and fever, dysentery and scurvy.

After 1736 the profession grew much in character, and many young Virginians studied medicine at the University of Edinburgh. Some of them became well known in the annals of the country, such as Theodorick Bland, Colonel of Cavalry in the Revolution, Arthur Lee, Walter Jones and George Gilmer, all four of whom served the State, in Congress or the Legislature.

Bland took the lead in trying to dignify the profession, and in 1761 he formed the young Virginians studying medicine at Edinburgh into a club, whose constitution pledged the members not to stop in their studies short of a degree, and "not to degrade the medical business with the trade of an apothecary or surgeon." After his return to Virginia, he drew a petition to the Legislature asking that "the right to practice should be confined to those who had been properly licensed and honored with a doctor's degree."

The petition had no effect, and it is probable that the country districts of Virginia were not ready for such a law. The ordinary farmer thought it convenient that the same man should be doctor, apothecary and surgeon, and deemed it imprudent to separate the professions.

But in course of time, the doctors themselves, aided by public opinion, made a doctor's degree almost essential to the practice. European Universities were superseded largely by American Colleges, and the College of Philadelphia, which had become in 1779 the University of Pennsylvania, was a special favorite with the Southern youth. Between 1810 and 1860 the number of Southern youths who matriculated at that institution reached a total of upwards of 7,000. Maryland University was also a great favorite and contributed over 300 graduate doctors for Virginia alone.

But the University of Virginia had now gotten under way and many doctors studied there. Later, deficiency in the University in clinical advantages being felt, Hampden-Sidney

College in 1837 established a medical department in Richmond. In 1844 this department being fortunate enough to obtain a loan of \$25,000 from the Literary Fund, built an attractive building, and in 1854 it was made independent of Hampden-Sidney and incorporated under the name and style of "The Medical College of Virginia."

In 1860, by reason of the bitter sectional spirit, the large contingent of Southern medical students attending at the Colleges in Philadelphia withdrew in a body under the lead of Hunter Holmes McGuire, and became students of the College in Richmond. An arrangement was had between the Legislature and the College by which the former gave the College \$30,000 for the erection of a hospital and in return the Faculty of the Medical College turned the College over to the State.

How much did Virginia doctors previous to 1861 contribute to the general illumination of knowledge that characterized the nineteenth century?

This is a question that cannot be answered with any degree of accuracy. The amount of cultivation in the world at any given time is the result of action and counteraction, and perhaps there is no life, however obscure, that does not contribute a little to the great mass of civilization. I may mention, however, in a few words, some names of Virginians who shine in the glory of a great light as benefactors of the human race. First, James McClurg, son of Dr. Walter McClurg, a British surgeon, who was sent to Hampton to open the first hospital in America to inoculate for smallpox, pursued his general studies at William and Mary College and studied medicine at the University of Edinburgh and attended the hospitals of Paris and London. In December, 1779, he was elected to fill the chair of Medicine instituted that year at William and Mary College, and which was next in time to that at Philadelphia. He was a member of the Federal Convention in 1787 and died in Richmond, July 9, 1825, having occupied for half a century perhaps the foremost place in his pro-

fession in America. His *Essay on the Human Bile* was translated into every language in Europe. Second, Nathaniel Chapman, of Fairfax County, one of the professors of the University of Pennsylvania, first president of the American Medical Association, founder of the *American Journal of Medical Science*, and author of numerous medical works. Third, Ephraim McDowell of Rockbridge County, Virginia, born in 1771, studied at Edinburgh and practiced at Danville, Virginia. He was first to operate for ovarian tumor, and became "the father of ovariectomy." Fourth, Benjamin Winslow Dudley, of Spotsylvania County, born in 1783, graduated at the University of Pennsylvania in 1806, and afterwards studied at London under Cooper and Abernathy. He performed the first operation for stone in the bladder and was called "the greatest lithotomist." He was an advanced apostle of asepsis, attributing much of his success to the use of hot water. Fifth, John Peter Mettauer, of Prince Edward County, Bachelor of Arts of Hampden-Sidney College and Doctor of Medicine of the University of Pennsylvania in 1809. He practiced at Prince Edward Courthouse and died there in 1875. He was one of the first to conceive the idea of curing vesicovaginal fistula, the first on this continent to operate for cleft palate, the first to employ iodine in the treatment of scrofula, and was among the first in such major operations as amputation of the shoulder, ligation of the carotid, and the resection of the superior maxilla.<sup>19</sup>

*Religion.* No history of Virginia would be complete without some account of the progress of religion. In Colonial days there was a state church fashioned after the Church of England and regulated by the Legislature. Until about 1750 nearly everybody belonged to the Church, and dissenters were few. After 1750, dissent became frequent, and by the time the American Revolution began membership in the Church had greatly declined. But the Conventions and Legislature were still dominated by members of the State

<sup>19</sup>Dr. George Ben Johnston, *Sketch of John Peter Mettauer* (1905).

Church, who proceeded to divorce the State from religion. Their action was partly due to the influence of the rival sects, but still more to the spread of free thought and scientific discussion that sprang from the teachings of the French school of writers and the English scientists.<sup>20</sup>

After the Revolution those persons who remained attached to the old forms of religion organized themselves into a separate establishment called the American Episcopal Church. In 1786 Rev. David Griffith became first Bishop of the Church in Virginia. In 1785 James Madison, President of William and Mary College, presided over the first Convention of the Episcopal Church, and in 1790 he was made second Bishop of the Diocese. He was a scientist as well as a churchman.

For about thirty years after the Revolution this Church struggled with adversity. The support of the law was removed and its ministers, after being repeatedly assured of their glebes, were deprived of them and exposed to starvation. Many of them in self preservation had to engage in secular affairs and abandon their flocks. Thus the church buildings were left vacant for want of preachers and congregations, and were often appropriated by other denominations. Others fell into ruins and their bricks were used to construct homes and other buildings. Among the generality of its members religion was lifeless and skepticism prevailed.

In May, 1814, Richard Channing Moore was elected Bishop of the Diocese of Virginia to succeed Bishop Madison, who died in 1812, and from that time a change appeared in the fortunes of the Church, gradual but decided. A man of great energy and decision, Bishop Moore rendered notable service in raising the Church from its prostrate condition. He was assisted in this great work by William H. Wilmer, who became President of William and Mary College, and by the lovable

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<sup>20</sup>Thus it was that Jefferson declared that Dr. William Small, a British scientist, professor of Natural Philosophy and Mathematics in the College of William and Mary, "fixed the destinies of his life." Montesquieu's "Spirit of the Laws" was read generally in Virginia.

and industrious William Meade, who succeeded Moore as Bishop in 1841. From having been the most intolerant of all Churches in Virginia, the Episcopal Church became the most liberal of all.

The history of dissent begins with the nonconformists in Princess Anne and Norfolk counties about 1642. Because of the harsh laws passed at the instance of Sir William Berkeley, many of them removed from the Colony and settled in Maryland. Then appeared the Quakers about 1660, against whom equally harsh laws were passed. But the Quakers were more patient, bowed their heads to affliction, and the authorities got tired of persecuting them. Then in 1699 the toleration law was adopted in Virginia, and persecution relaxed. In their petition in 1737 the Quakers declared they had nothing to complain of except being taxed for the support of the clergy of the State Church. For many years after the Revolution the Quakers had strong conventicles in Nansemond and Isle of Wight counties, and in York, New Kent, and Charles City counties, but with the cessation of persecution their influence began to decline and their numbers decrease. The petition for the abolition of slavery from the Quakers in Charles City County figured in the debate in the Legislature in 1832.

In the seventeenth century a few Presbyterian ministers were preaching in Virginia. Among them was Francis Makemie (1658-1708). He put the Church upon its feet and is looked upon as the Father of the Presbyterian Church in America. In the Spring of 1706 he formed at Philadelphia the first Presbytery ever established in the United States. He was followed by Samuel Davies, who preached in Hanover County, James Waddell, who preached in Lancaster County, and John Jeffrey Smith, who established a Presbyterian Church in New Kent County, and named the place "Providence." Their ranks were immensely augmented by the Scotch Irish, who poured into the Valley of Virginia.

In the bitter antagonism to the establishment the Presbyterians joined with the Quakers and Baptist, and supported

all the bills for its divorce from the State. After the Revolution, when the Legislature passed an act incorporating the Episcopal Church the Presbytery of Hanover was implacable and protested against it and assisted in accomplishing its repeal. After that the progress of the Presbyterians was steady and rapid. Its ministry has been noted for its able and learned men. The names, occurring in the latter part of this period, of John Holt Rice, Conrad Speece, Moses Hoge, George A. Baxter, William Armstrong and R. L. Dabney will long be remembered and revered.

The next in order of the greater denominations of Christians were the Baptists. In 1714 some emigrant Baptists settled in Southeast Virginia and in 1743 another party settled in the Northwest, but a large accession came from New England about the period of the "New Light Stir." The first formal church was established in Hanover County in 1760, but soon there were numbers of others in Chesterfield, Middlesex, Caroline, and other counties. A passionate impulse swayed the preachers of the Baptist faith. The Toleration Act required all ministers to have a license and the Baptists disregarded its injunction. For breach of the law many of their preachers were confined in jails, and the jails of that period had no fire places and were cold and comfortless. Nevertheless, through the windows of their places of confinement they preached to great throngs of people. The result might have been foreseen. The Baptists only grew stronger, and when the opportunity presented itself with the coming of the Revolution they were the bitterest opponents of the State Church.

After the American Revolution the Baptists became the most numerous sect in the State. The masses had rushed into their ranks and most of their early preachers were poor and self educated. John Waller and R. B. Semple were exceptions. But about 1830 the Baptists began to pay more attention to the work of training their ministers. They established Richmond College and numerous schools.

The Methodists were the last of the great denominations

to come into existence. George Whitefield, who, with John Wesley, founded Methodism, visited Virginia in December, 1739. His doctrine of faith discarded predestination and asserted that every man's salvation or damnation depended upon his acceptance or rejection of the workings of the Holy Spirit. Thus was sowed the seed which was to germinate and bear fruit.

At first Methodism was a movement within the State Church, both in England and Virginia. Rev. Robert Williams was one of the earliest pioneer members, and he baptized Rev. Jesse Lee in 1779. At that time Virginia was the headquarters of Methodism in America. In that year there were in the United States forty-two Methodist ministers and 8,577 members and nearly one-half of this number was in Virginia. It was here that the largest labor was performed and from here the greatest product was gathered. In 1784 the Methodists set up an establishment independent of the regular Church, which they had resolutely refrained from attacking in the Legislature. In 1789, Jesse Lee, after visiting with Bishop Francis Asbury, many parts of the South, took the light to New England, which stood out like an iceberg in the cold formality of its religion. The Methodists continued to grow in Virginia, and established Randolph-Macon College and other valuable schools. In 1844, the conflict of opinion and practice between the Northern and Southern Conferences on the subject of slavery, had become so intense that a separation took place, which resulted in the organization of the Methodist Episcopal Church, South.

Besides these prominent Protestant denominations there were in Virginia during this period several other Protestant sects—Lutheran, Campbellites, Thomasites, Menonites, etc.—all more or less important in numbers and influence. Nor had the Roman Catholic Church neglected the State in extending her Communion. In Colonial days the Catholics were much feared and disliked by the people of Virginia, as by Protestants everywhere. They might vote but the test oath pre-

vented them from holding offices. Notwithstanding this the Brent family, though Catholics, held office in Colonial days, the oath being doubtless waived as to them. With the Revolution came more liberal feelings, and the Statute of Religious Freedom guaranteed everybody, including Catholics, equality of rights. So the Catholics ceased to be discriminated against and increased in numbers during the period under consideration; and in 1846, this denomination had thirteen churches and three institutions of learning or charity, one of which was St. Joseph's Academy in Richmond. The communicants of this church were in general foreigners, chiefly of French or Irish extraction.

Apart from the Christian denominations stood the Jews. Some Jewish names had appeared very early in the history of Virginia. Their first religious congregation was established in Richmond in 1791, and in 1846 they had in that city two synagogues, one conducted after the order of the Spanish and Portuguese Jews, and the other after that of the German Jews.<sup>21</sup>

In conclusion it may be stated with great confidence that after the American Revolution there was no part of the world in which conscience was more free than in Virginia.

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<sup>21</sup>Lichtenstein, *The Jews of Richmond*.

